

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

DRAINAGE OF WET LANDS

U. S. DEPARTMENT OF AGRICULTURE
LAW LIBRARY
LEGISLATIVE REPORTING

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSERVATION AND CREDIT

OF THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

H.R. 8510, H.R. 8511, H.R. 8512, H.R. 8520, H.R. 8521,
H.R. 8522, H.R. 8523, and H.R. 8688

AUGUST 18, 1961

Printed for the use of the Committee on Agriculture

Serial Q



COMMITTEE ON AGRICULTURE

HAROLD D. COOLEY, North Carolina, *Chairman*

W. R. POAGE, Texas, *Vice Chairman*

GEORGE GRANT, Alabama	CHARLES B. HOEVEN, Iowa
E. C. GATHINGS, Arkansas	PAUL B. DAGUE, Pennsylvania
JOHN L. McMILLAN, South Carolina	PAGE BELCHER, Oklahoma
THOMAS G. ABERNETHY, Mississippi	CLIFFORD G. MCINTIRE, Maine
CARL ALBERT, Oklahoma	CHARLES M. TEAGUE, California
WATKINS M. ABBITT, Virginia	ALBERT H. QUIE, Minnesota
CLARK W. THOMPSON, Texas	DON L. SHORT, North Dakota
PAUL C. JONES, Missouri	CATHERINE MAY, Washington
HARLAN HAGEN, California	DELBERT L. LATTA, Ohio
LESTER R. JOHNSON, Wisconsin	RALPH HARVEY, Indiana
ROSS BASS, Tennessee	PAUL FINDLEY, Illinois
W. PAT JENNINGS, Virginia	ROBERT DOLE, Kansas
D. R. (BILLY) MATTHEWS, Florida	RALPH F. BEERMANN, Nebraska
MERWIN COAD, Iowa	BEN REIFEL, South Dakota
J. FLOYD BREEDING, Kansas	
FRANK A. STUBBLEFIELD, Kentucky	RESIDENT COMMISSIONER
HAROLD B. MCSWEEN, Louisiana	A. FERNÓS-ISERN, Puerto Rico
DANIEL K. INOUE, Hawaii	
RALPH R. HARDING, Idaho	

MRS. CHRISTINE S. GALLAGHER, *Clerk*

HYDE H. MURRAY, *Assistant Clerk*

JOHN J. HEIMBURGER, *Counsel*

FRANCIS M. LEMAY, *Staff Consultant*

SUBCOMMITTEE ON CONSERVATION AND CREDIT

W. R. POAGE, Texas, *Chairman*

E. C. GATHINGS, Arkansas	CLIFFORD G. MCINTIRE, Maine
LESTER R. JOHNSON, Wisconsin	DON L. SHORT, North Dakota
J. FLOYD BREEDING, Kansas	RALPH HARVEY, Indiana
FRANK A. STUBBLEFIELD, Kentucky	ROBERT DOLE, Kansas
HAROLD B. MCSWEEN, Louisiana	
A. FERNÓS-ISERN, Puerto Rico	

CONTENTS

	Page
H.R. 8510, a bill to amend the Soil Conservation and Domestic Allotment Act to prohibit assistance for the drainage of wet lands when such drainage will harm wildlife preservation.....	2
H.R. 8520, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands.....	3
Biology memorandum SCS-3, February 21, 1957.....	23
Statement of:	
Andersen, Hon. Carl H., a Representative in Congress from the State of Minnesota.....	14
Breeding, Hon. J. Floyd, a Representative in Congress from the State of Kansas.....	13
Butcher, Devereux, editor, National Wildlands News.....	18
Dingell, Hon. John D., a Representative in Congress from the State of Michigan.....	12
Gutermuth, C. R., vice president, Wildlife Management Institute.....	29
Janzen, Daniel H., Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior.....	35
Johnson, Hon. Lester, a Representative in Congress from the State of Wisconsin.....	3
Kimball, Thomas L., executive director, National Wildlife Federation.....	31
Penfold, J. W., conservation director, the Izaak Walton League of America.....	34
Reuss, Hon. Henry S., a Representative in Congress from the State of Wisconsin.....	6
Smith, Dr. Spencer M., secretary, Citizens Committee on Natural Resources.....	37
Young, Gladwin E., Deputy Administrator, Soil Conservation Service; accompanied by Fred Ritchie, Assistant Deputy Administrator, and Lawrence V. Compton, Head Biologist, Soil Conservation Service, U.S. Department of Agriculture.....	18
Communications submitted to the subcommittee:	
Butcher, Devereux, editor, National Wildlands News, letter of August 16, 1961.....	18
Callison, Charles H., assistant to the president, National Audubon Society, letter of August 17, 1961.....	37
Janzen, Daniel H., Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, letter of August 22, 1961.....	36
Kelly, Hon. John M., Assistant Secretary of the Interior, letter of August 17, 1961.....	1

DRAINAGE OF WET LANDS

FRIDAY, AUGUST 18, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSERVATION AND CREDIT
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1310, New House Office Building, the Honorable W. R. Poage (chairman of the subcommittee) presiding.

Present: Representatives Poage, Gathings, Johnson of Wisconsin, Breeding, McIntire, Short, Dole, and Reifel.

Also present: Christine S. Gallagher, clerk; Hyde H. Murrar, assistant clerk; and John Heimburger, counsel.

Mr. POAGE. The subcommittee will please come to order.

We are met today to consider a number of bills pertaining to wet lands. We have H.R. 8510 by Mr. Reuss, H.R. 8511 by Mr. Saylor, H.R. 8512 by Mr. Dingell, H.R. 8520 by Mr. Johnson of Wisconsin, H.R. 8521 by Mr. Zablocki, H.R. 8522 by Mr. Kastenmeier, H.R. 8523 by Mr. Sikes, and H.R. 8688 by Mr. Van Pelt.

We have a report on one of the bills, H.R. 8510, from the Department of the Interior. The bills and this report dated August 17, 1961, will be made a part of the record at this point.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 17, 1961.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. COOLEY: Your committee has requested reports on H.R. 8510, a bill to amend the Soil Conservation and Domestic Allotment Act to prohibit assistance for the drainage of wet lands when such drainage will harm wildlife preservation, and on H.R. 8520 to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands. This report is applicable also to H.R. 8511, H.R. 8512, H.R. 8521, H.R. 8522, and H.R. 8523.

We recommend the enactment of this proposed legislation in the form of H.R. 8510.

We believe it has become generally known that the rapid drainage of the Nation's wet lands for agricultural, industrial, urban expansion, and other purposes has had a disastrous effect upon our wildlife populations. While considerable drainage occurs on private lands with private funds, much of it is undertaken with Federal technical and financial assistance. This proposed legislation would establish procedures whereby proposals to drain farmlands pursuant to the Soil Conservation and Domestic Allotment Act would be subject to examination by this Department to determine whether wildlife preservation will be harmed by the proposed drainage. Unless proper findings are made in such cases, great damage results to the Nation's wildlife resources. In fact, the purpose of this proposed legislation is consistent with certain objectives set forth in the President's message of February 23, 1961, which reads in part as

follows: "I am hopeful that consistent and coordinated Federal leadership can expand our fish and wildlife opportunities without the present conflicts of agencies and interests: One department paying to have wet lands drained for agricultural purposes while another is purchasing such lands for wildlife or waterfowl refuges. * * *

These bills represent the latest proposals to solve by legislative means the complex problem of conflicting interests where wet lands are concerned. Continued loss of valuable habitat through federally assisted farm drainage is a problem of over 10 years standing. Close consultation between our Department and the Department of Agriculture, with various modifications in programs and procedures over this period, have failed to provide a satisfactory solution.

In our opinion, enactment of this proposed legislation should promote a harmonious working arrangement by this Department and the Department of Agriculture in evaluating the desirability of carrying out wetland drainage operations on farms in particular areas and regions. In this connection, we wish to observe that under the provisions of H.R. 8510 the finding that would be required by this Department could be made with regard to particular areas and regions, as distinguished from the finding that would be required under the terms of H.R. 8520, which would require a finding to be made with an identification of the specific farm and the land on that farm to which the finding would be applicable. We believe that a finding of the latter variety would be unnecessarily costly and would not be required in many parts of the United States in order to accomplish the purposes of this proposed legislation.

We believe that the enactment of this legislation will give the Department of Agriculture and this Department the authority that is needed to accomplish effectively the purposes in question. Our two Departments have given a great deal of consideration to this matter and various efforts have been made to achieve the result intended by these bills. Some of the procedures that have been agreed upon have been partially successful; however, we feel that a clear-cut expression from the Congress will be much more effective in this case than administrative action.

In connection with your consideration of these bills, we believe it should be noted that the Agriculture Appropriation Act for 1962 contains a provision relating to the agricultural conservation program to the effect that no change shall be made in the 1962 program which will have the effect in any county of restricting eligibility requirements for cost sharing on practices included in either the 1958 or 1959 programs unless such change shall have been recommended by the county committee and approved by the State committee. Open ditch and tile drainage are among the cost-shared practices to which the provision applies. We believe this proposed legislation would not relate to overall eligibility requirements as established by the Department of Agriculture, and that any drainage not objectionable from the standpoint of wildlife conservation would be eligible as before.

You are advised that while there would be no objection from the standpoint of the administration's program to the submission of our report, the Bureau of the Budget believes that if favorable action is taken on H.R. 8510, H.R. 8511, or H.R. 8512, this legislation should be made more explicit as to the scope of the geographical area to be covered by the determinations of the Secretary of the Interior.

Sincerely yours,

JOHN M. KELLY,
Assistant Secretary of the Interior.

H.R. 8510 was introduced by Mr. Reuss; the following identical bills were also introduced: H.R. 8511 by Mr. Saylor, H.R. 8512 by Mr. Dingell, and H.R. 8688 by Mr. Van Pelt.

[H.R. 8510, 87th Cong., 1st sess.]

A BILL To amend the Soil Conservation and Domestic Allotment Act to prohibit assistance for the drainage of wet lands when such drainage will harm wildlife preservation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding the following new subsection:

"(e) No contract for assistance under the Soil Conservation and Domestic Allotment Act, as amended, shall be entered into by the Secretary of Agriculture with a farm operator for draining wet lands, either through grants or technical assistance, where the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed by the proposed drainage, and has reported such finding to the Secretary of Agriculture."

H.R. 8520 was introduced by Mr. Johnson of Wisconsin; the following identical bills were also introduced: H.R. 8521 by Mr. Zablocki, H.R. 8522 by Mr. Kastenmeier, and H.R. 8523 by Mr. Sikes.

[H.R. 8520, 87th Cong., 1st sess.]

A BILL To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding at the end of section 16 thereof the following new subsection:

"(e) The Secretary of Agriculture shall not enter into an agreement to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture."

Mr. POAGE. Our colleague, Mr. Johnson of Wisconsin, is the author of one of these bills. We will be delighted to hear from you now, Mr. Johnson.

STATEMENT OF HON. LESTER JOHNSON, A REPRESENTATIVE IN CONGRESS, FROM THE STATE OF WISCONSIN

Mr. JOHNSON. Mr. Chairman and members of the committee, I very much appreciate the fact that you have scheduled these early hearings on H.R. 8520, my bill to prevent Federal funds from being used to drain farm wet lands suitable for waterfowl refuges.

The problem which this legislation would solve is a pressing one. Currently, the Agriculture Department furnishes technical and financial assistance to farmers for drainage of wet lands under the agricultural conservation program. At the same time, the Interior Department is conducting a program for the acquisition of wet lands in order to save our dwindling duck population. Present requirements of the law do not permit the Secretary of Agriculture to withhold cost-sharing assistance from drainage projects merely because they adversely affect wildlife.

I have always vigorously supported and worked for the Federal program for the purchase of migratory waterfowl refuges and nesting areas. In 1954, when I came to Congress, I called attention of the Congress to the way the duck stamp money was being handled. I exposed the diversion of the bulk of the income from Federal duck stamp fees to purposes other than wetland acquisition, for which hunters had voluntarily accepted the fee in the first place. And in 1955 I introduced legislation that came before the House Committee on Merchant Marine and Fisheries, which would segregate the duck stamp money, so that it would go for the purchase of these wet lands rather than be used for the running of the Department of the Interior. As a result of

a speech I made on the floor of the House, conservationists all over the country took my speech and used it and I have been told that it has become a bible of the wildlife people.

And during the next 4 years, after 1954, I battled for legislation to insure that all the income from the stamps would go to provide more refuges for migratory waterfowls. This legislation was enacted into law in 1958.

Here we have two programs which are operating at cross-purposes. Clearly, we must resolve this conflict of interest in order to prevent the taxpayers' money from being wasted because two programs are working against each other.

My bill provides that no contract for agricultural conservation program assistance can be entered into by the Secretary of Agriculture with a farm operator for drainage of land if the Secretary of Interior has determined that wildlife preservation will be materially harmed by the proposed drainage project. Prior determinations of the specific areas of the farm where this would be so must be made by the Department of Interior and filed with the Department of Agriculture in order for this legislation to apply. Such cooperation between the two Departments will insure a coordinated approach to a problem of great concern to conservationists across the Nation.

I think that is very important, Mr. Chairman, because it is up to the Department of the Interior to get the information to the Department of Agriculture. They do not have to wait while somebody is making a survey. It is up to them to get the survey to the Department of Agriculture.

Mr. Chairman, the region north and east of the Missouri River in the Dakotas and western Minnesota is still referred to as the last important "duck factory" in the United States. This was originally a glaciated area of undulating grasslands, pockmarked by thousands of shallow lakes and potholes. According to Thomas A. Schrader of the U.S. Fish and Wildlife Service, this tristate region may at one time have produced 15 million ducks a year.

Proof of its value for duck production is the use still being made of its remaining water. It is the favored mating and nesting area for blue-winged teal, pintail, mallard, and other species in lesser numbers. In a normal year, it still turns out from 3 to 4 million ducks, which disperse into all four flyways as they wing southward to wintering grounds.

Continued high production from the prairie potholes is essential to the future of waterfowl hunting throughout the Mississippi and central flyways. Band returns from 2,063 mallard, gadwalls, and pintails banded in June, July, and August within the prairie pothole region of the United States show that the ducks were shot in 40 States, Canada, Central America, and South America.

Of redheads banded in the pothole region during the same months and recovered away from the immediate banding area, 13.5 percent were taken in the Atlantic flyway. Of the pintails recovered away from the immediate banding area, 19.2 percent were shot in the Pacific and Atlantic flyways in the United States and in British Columbia. It is plain that prairie pothole ducks contribute to good waterfowl hunting in most parts of the Nation.

Mr. Chairman, in 1936, Congress passed the Soil Conservation and Domestic Allotment Act. It was the basis for the subsidization of many worthwhile soil conservation practices, such as strip-cropping, terracing, contour plowing, and tree planting. However, the provisions for Federal aid for the drainage of farm wetlands have been indiscriminately used and abused. Since 1936, agricultural drainage has been responsible for destroying 5,602,241 acres of wetlands in the Dakotas and Minnesota alone. Each year, about 3 percent of the remaining wetlands in this area are lost to federally subsidized drainage projects.

The U.S. Department of Agriculture's Soil Conservation Service has estimated that 127 million acres of natural wetlands originally existed in all the States lying south of the Canadian border. In 1956, the Fish and Wildlife Service of the Department of Interior estimated that 74,439,000 acres of wetlands remained. This is slightly over 58 percent of the original acreage.

Of these remaining wetlands 8,819,900 acres were classified as having high value for waterfowl and 13,616,500 acres as having moderately high or significant value. This total of 22,436,400 acres constitutes just a little over 30 percent of the remaining wetlands as of that date. In the 4 years which have elapsed since these estimates were made, wetlands have continued to disappear both temporarily and permanently.

Mr. Chairman, the handwriting is on the wall. Immediate action is necessary if we are going to save our continental flights of waterfowl.

The Department of Interior already has the authority to offer to lease or buy wetlands from farmers who will be unable to obtain Federal assistance to drain the land under the provisions of H.R. 8520. A bill to accelerate the Federal program for the purchase of migratory bird refuges and nesting areas has been passed by the House and is now before the Senate. I joined my colleagues, Congressmen Henry Reuss, John Dingell, Arnold Olsen, and Clem Miller in introducing this measure.

It would authorize a loan of \$150 million over the next 10 years for stepping up the acquisition of migratory waterfowl refuges. Such a loan would make possible the early purchase of the wetlands needed for the Federal acquisition program to reach its anticipated goal of 4,500,000 acres. Starting in fiscal 1972, the money would be repaid to the U.S. Treasury from duck stamp revenues. Under the accelerated program provided for in this legislation, it would be possible for farmers to lease or sell their wetlands to the Interior Department at a satisfactory price.

We hear of the days when ducks and geese were so numerous that they darkened the sky in their spring and fall migrations between wintering grounds in the South and summer nesting areas in the North. But those days are gone forever. As I pointed out before, the alarming decline came when farming brought drainage of the wetland area and destroyed more than half of the nesting range of ducks in the prairie pothole region. The additional corn and wheat produced as a result of this drainage can be recorded as a gain in the dollar-and-cents ledger, but the change has left us poorer in the waterfowl resource account, which is kept in a different set of books.

Mr. Chairman, in calculating the value of further drainage, two factors must be considered. First, since the most economically drainable land has been drained, any further drainage is likely to be more difficult and less rewarding. Second, with increasing demand and decreasing supply, the duck has become vastly more valuable. In pioneer days, the value of a duck was expressed in cents per pound, but today, waterfowl values do not find true expression behind a dollar sign. They have recreational, social, and cultural values which make their meat values appear almost inconsequential.

Secretary of the Interior Stewart Udall has said that the necessity to meet the outdoor needs of our people now and in the future will in all likelihood be the sharpest and most consistent pressure on our land, water, and forests in the years ahead. It is our responsibility to see to it that there will be sufficient outdoor recreational areas available to our increasing population so that our children and their children may enjoy the outdoor opportunities which we have had. H.R. 8520 will help us to meet that responsibility by protecting our priceless waterfowl resource from indiscriminate, federally subsidized drainage of the wetlands where ducks and geese nest and rest.

Mr. POAGE. Thank you, Mr. Johnson. Are there any questions of Mr. Johnson? If not, we are very much obliged to you. We are trying to move along today. As you know, we are competing with the clock, and our time is very limited. We will now hear from our colleague, Mr. Reuss.

Mr. JOHNSON. I think that everybody on the committee is acquainted with my Wisconsin colleague. Henry has the reputation of having his name mispronounced more than anyone else.

STATEMENT OF HON. HENRY S. REUSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. REUSS. Mr. Chairman and members of the committee, my position is that as long as you vote for me, I do not care how you pronounce my name. I shall be very brief. Though I am the author of H.R. 8510, I should like to appear in behalf of Congressman Johnson's bill, H.R. 8520, for two reasons: First, that he is a distinguished conservationist and farm leader and is in an excellent position to sponsor this legislation.

Secondly, the language of his bill has been particularly worked out with the Department of Agriculture and some other groups, and I know that the language is perfectly satisfactory to the Department of Agriculture.

In coming here before the subcommittee, I feel a little like the moonshiner, in that famous story of our former colleague, Brooks Hayes, who was about to be sentenced for a repeated moonshining offense by the judge, and the judge said, "Before I pronounce sentence on you I just want you to know that you and your family have made more trouble for us than any family in this district."

And the defendant replied, "Not half as much trouble, Judge, as you have made for me."

I realize I have been a person of some concern to the agricultural interests of our country, and of the Congress, in connection with this farm drainage problem. If I have been, it is not because I am not

an enthusiastic supporter of the kind of sound farm legislation which has come from this committee in recent years, but because I believe deeply that we must do something to keep up our continental supply of ducks and geese. Just today the Department of the Interior has cut in two the duck and goose hunting season for the coming fall in the Mississippi and central flyways—cut it in two, both in terms of the length of it and the bag limit. I think they have no alternative but to do that, because the continental duck population is way, way down. In recent years we have drained more than one third of the valuable duck producing potholes in the continental United States.

President Kennedy, in his conservation message of this February, pointed out the inconsistency between subsidizing the drainage of farm wet lands valuable for waterfowl, on the one hand and on the other hand having the Department of the Interior continue the program of buying and leasing such wet lands.

Very fortunately, Congress is about to approve a worthwhile bill which the House approved a few weeks ago accelerating the program of the Department of the Interior for acquiring wet lands. This is a great thing for our farmers as well as for our conservationists and sportsmen, because it will give the farmer of the wetland areas a fair fee for turning his wet lands to what in this day is its highest use, the production of waterfowl.

I would hope that that bill, which is about to pass, would work in very well with Congressman Johnson's bill.

I would like to submit for the record two documents: Exhibit A, which is a report of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior on wetlands drainage in the last 6 months of 1960. This shows that in 77 percent of the cases reported in the so-called prairie pothole area where the Department of the Interior had asked the Department of Agriculture not to drain because of the very valuable waterfowl potential of that particular proposed drainage, in 77 percent of those cases, unfortunately, the Department of Agriculture went ahead and drained anyway.

Mr. JOHNSON of Wisconsin. Could I ask you a question there?

Mr. REUSS. Yes.

Mr. JOHNSON of Wisconsin. The way the appropriation bill is written each year it would be impossible for the Department of Agriculture to stop draining wet lands because the law states that nothing herein (and I do not have the exact language), shall interfere with such practices. I am told that the Federal Government is at a loss to stop it. Is that not correct?

Mr. REUSS. I will insert into the record at this point a colloquy between myself on the floor and Chairman Whitten of the House Appropriations Subcommittee, of a year or two back, which indicates that that language would not have stopped the Department of Agriculture from cutting out farm drainage harmful to waterfowl. But I will admit to the gentleman that there is a legal question about it, and in the interest of harmony I am quite zealous to say, "Let us wipe the slate clean and go on with the proper feeling of kinship between conservationists and the Department of Agriculture."

Mr. POAGE. Clearly, the basic law says that if the farmers do certain things they would get certain payments, did it not?

Mr. REUSS. That is correct.

Mr. POAGE. Would you think any Secretary of Agriculture, whether Mr. Freeman, Mr. Benson, Mr. Brannan, or anybody else, would be an honest Secretary if he did not carry out the provisions of the law as are provided?

Mr. REUSS. The colloquy between Mr. Whitten and myself disclosed my view on that, which was not quite consistently with the mandate of the law, Mr. Benson, Mr. Freeman, or whoever it was, had to carry out the same basic practices as had been carried out of yore, but that it was entirely proper for him to take the advice of the Department of the Interior that particular examples of farm drainage should not be subsidized, because they would harm wildlife.

The chairman should bear in mind it has never been suggested by me that all farm drainage under the ACP program be stopped—quite the contrary—98 percent of it can and should go on, because it has no relation to wildlife. It is just the particular proposition—

Mr. POAGE. The relationship I am driving at is this. As you know, frankly, I am sympathetic with what you are trying to do.

Mr. REUSS. I know that.

Mr. POAGE. I am not trying to embarrass you, but I do not think it is fair to come up here and suggest that the Department of Agriculture is doing something that they should not be doing, when we tell them to do it. We, possibly, should tell them something else. That is not the point, however. When we have told them to carry out a program, I think it is up to them to carry it out, whether it is good, bad, or indifferent.

Mr. REUSS. I agree with the chairman. That is why I said to Representative Johnson a moment ago that I think reasonable men may disagree about the legalistics of the matter. So far as I am concerned, I am perfectly ready to state right now on the record that if we can get this matter straightened out, I will be the first one to say that the Department of Agriculture is just as much interested in true conservation as anybody else, and that if in the past some things have happened which I have not liked, and which the chairman has not liked, it is because of a reasonable legal interpretation by the Department of Agriculture. One may disagree with it, but one cannot impute their good motives. Does that not answer it?

Mr. POAGE. Yes.

Mr. REUSS. I would, also, like to introduce as exhibit B a very recent report which I got just yesterday from the Bureau of Sport Fisheries and Wildlife showing that in the first 6 months of this year, from January 1 to June 30, 1961, in three counties of Minnesota—this is the only area for which they have records—in this period 385 wetland areas were presented for drainage; of these Department of the Interior, Bureau of Sport Fisheries and Wildlife, objected to draining 283, on the ground that it would hurt wildlife. I regret to say that in 273 out of those 283 areas, the Department of Agriculture went right ahead and authorized the drainage, so that in only 4 percent of the cases was the advice of the Department of the Interior heeded.

Let me say again I am perfectly ready to concede that this rather shocking situation is due to a reasonable interpretation of language in various appropriation bills. I want to be constructive, but the sole purpose of this hearing is to try to arrange matters justly for the

future. I do not put this in to belabor the past. I think the committee should have that in the record.

In conclusion, then, I earnestly hope that this committee will report out to the floor Congressman Johnson's bill, H.R. 8520. I know that if this is done it will go far toward satisfying the many Members like myself, who have always vigorously supported sound programs for the benefit of the farmer, who want to continue to do so, and who ask only that the conservationist interest be taken into account.

May I say, further, that some of the finest conservationists in this country are farmers. They enjoy our ducks and geese quite as much as we city fellows. And so I in no way want to appear here as a city Congressman ranged against Congressmen from rural areas, because we in this country must always stand together, both for the interests of city people and for the interest of country people.

I am very grateful to the Chair and to the members of the subcommittee for the prompt and courteous hearing you have given this proposition.

Mr. POAGE. Thank you.

The documents referred to will be made a part of the record.

(Exhibits A and B follow:)

EXHIBIT A

THE FULL REPORT OF THE BUREAU OF SPORT FISHERIES AND WILDLIFE

A total of 1,863 wetland areas, for which farmers had requested assistance for drainage, were inspected between July 1 and December 31, 1960. These areas were located within six counties in South Dakota, three counties in Minnesota, and three counties in North Dakota.

The Soil Conservation Service need and practicability surveys revealed that 234 (13 percent) of the wetland areas were not qualified for drainage assistance. Of the 1,639 wet lands qualified for drainage assistance 553 areas (34 percent) had significant wildlife values and Bureau biologists recommended their conservation. The ASC county committees denied drainage assistance for 128 wetland areas. This was 23 percent of the areas the Bureau recommended for conservation. However, 23 percent of the wetland areas denied Federal assistance for drainage were drained privately in South Dakota and Minnesota. Surveys to determine the extent of such private drainage have not been completed in North Dakota.

Considering both the private and federally assisted drainage, 11 percent of the wetland areas the Bureau recommended for conservation were saved in South Dakota and Minnesota.

The ASC county committees approved assistance for the draining of 93 pot-holes whose owners expressed interest in our acquisition program in Minnesota and South Dakota.

Data are being compiled to show the number of acres of wetlands saved as a result of the inspection program. This information should be available in about a month.

When drainage data for the calendar year 1960 have been collected and analyzed for all 89 prairie pothole counties, probably in April or early May of 1961, it will be possible to compare the trend of drainage in the 12 pilot counties with the trend in the 77 remaining counties for calendar year 1959 and 1960 to give a better measure of the effectiveness of the inspection program.

The attached table is a current, cumulative summary of the ACP 247 drainage referrals inspection program in 12 pilot counties in North Dakota, South Dakota, and Minnesota.

Cumulative summary inspection of ACP 247 drainage referrals in 12 pilot counties in North Dakota, South Dakota, and Minnesota

	South Dakota	North Dakota	Minne- sota	Total
1. Number of wetland areas which SCS said qualified for assistance for drainage.....	339	1,090	200	1,629
2. Number of wetland areas which SCS said did not qualify for drainage assistance.....	108	100	26	234
3. Number of SCS qualified wetlands FWS recommended saving.....	148	234	171	553
4. Number of SCS qualified wetlands FWS did not recommend saving.....	191	856	29	1,076
5. Number of SCS qualified wetlands FWS recommended saving for which ASC committees denied drainage assistance including appealed cases.....	42	84	2	128
6. Number of wetlands listed in item 5 which were drained privately.....	8	(1)	2	-----
7. Number of wetlands actually saved (item 5 minus item 6).....	34	(1)	0	-----
8. Number of wetlands in which farmer was interested in our acquisition program.....	89	0	4	93

¹ Incomplete.

EXHIBIT B

Preliminary survey of the results of inspection of drainage referrals in 12¹ prairie pothole counties by the Bureau of Sport Fisheries and Wildlife

	July 1-Dec. 31, 1960				Jan. 1 to date			
	South Dakota	North Dakota	Minne- sota	Total	South Dakota	North Dakota	Minne- sota	Total
Number of wetland areas which SCS said qualified for assistance for drainage.....	339	1,090	200	1,629	80	43	385	508
Number of SCS qualified wet lands FWS recommended saving.....	148	234	171	553	18	25	233	326
Number of SCS qualified wet lands FWS recommended saving for which ASC committees denied drainage assistance.....	42	84	2	128	(2)	4	³ 10	(2)
Percent of FWS recommendations for denials of assistance which ASC actually followed.....	28	36	1	23	-----	16	4	-----

¹ See list below.

² No data. Report from ASC county committees not yet received.

³ All of those saved in Minnesota in 1961 were in Swift County.

COUNTIES IN REFERRAL PROGRAM

North Dakota: (3-1=2) Wells and Stutzman (LaMoure dropped¹).

South Dakota: (6-1=5) Day, Edmunds, Hand, Marshall, Roberts (McPherson dropped—Drainage not in county docket).

Minnesota: (3) Big Stone, Lac Qui Parle, Swift.

(The colloquy referred to follows:)

[From the Congressional Record, May 18, 1959]

DEBATE ON AGRICULTURE APPROPRIATION BILL, 1960

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. Reuss].

(Mr. Reuss asked and was given permission to revise and extend his remarks.)

¹ Reported in memo to the director, May 12, 1961.

Mr. REUSS. Mr. Chairman, for some years the conservationists of this country—from the great national conservation organizations, the National Wildlife Federation, the Wildlife Management Institute and the Izaak Walton League down to the individual hunter and outdoors lover and bird watcher—have been disturbed about the application of the otherwise excellent agricultural conservation program to wetlands drainage, particularly in the so-called prairie pothole areas of the Dakotas and Minnesota. They have been disturbed because whereas 10 years ago there were 1,350,000 potholes, there are today less than a million of these areas, in which almost all the ducks bred in the continental United States first see the light of day. The farm drainage problem becomes more acute in the light of the law that was passed last summer by the Congress, Public Law 85-585, which sets up an accelerated program whereby the Department of the Interior is now happily engaged in buying and leasing large areas of wetlands in order to protect the waterfowl supply of the North American Continent.

I brought this problem to the attention of the Committee on Appropriations and I want to express my gratitude right now to the subcommittee chairman, the gentleman from Mississippi [Mr. Whitten], and to the gentleman from Minnesota [Mr. Marshall] and to the gentleman from Illinois [Mr. Boyle] and to certain Members who are not on the committee such as the gentleman from South Dakota [Mr. McGovern] for their help in trying to work out this problem. While I have asked them to consider an absolute prohibition on further subsidized farm drainage in the prairie pothole area, and while in their report they indicated that in their opinion this absolute prohibition was not sound, the report, on page 18, nevertheless contains an extremely significant sentence, that the committee requests the Department of Agriculture to cooperate fully in protecting these lands for wildlife refuges. I want to congratulate the committee for the fine way in which it has faced up to this problem and ask the chairman of the subcommittee, the gentleman from Mississippi [Mr. Whitten], whether my understanding is correct that the committee envisages this full cooperation between the Department of Agriculture and the Department of the Interior, which latter is directly charged with the acquisition and supervision of wildlife refuges, both at Washington and the local level, and that the committee would expect a report from the respective departments on the progress of such cooperation. Is my understanding about that correct?

Mr. WHITTEN. May I say to the gentleman, we do so expect. I would like to point out that the members of this subcommittee are very much interested in protecting the areas in which this wildlife originates for the good of the whole country. We have, in our dealings with the Department, urged in every way that we felt we could, to cooperate fully in preserving these sites and we did that quite seriously. After advising with the gentleman, knowing of his interest as well as the interest of many others, we do expect to follow it and ask them to report to us as to their progress in this regard.

Mr. REUSS. I thank the gentleman. I might say it makes it easy for me, a city Congressman, to support this portion of the appropriation bill. I would ask one further question of the gentleman, calling his attention to page 12, line 20 through line 25, of H.R. 7175. That section relates to eligibility requirements for existing practices, and asks that they be not changed. Is my understanding correct that under this proviso the county ACP committees would not be expected to approve practices inconsistent with the observations on page 18 of the report which I just read, namely, that the Department of Agriculture shall cooperate fully in protecting these lands for wildlife refuges?

Mr. WHITTEN. I would have to answer the gentleman by saying that, by our statement here, we do not mean to repeal any provisions of the law nor do we mean to impose a restriction on any particular area. These provisions that the gentleman has mentioned were put in because 2 years ago efforts were made throughout the country to eliminate certain practices which had been approved. I would like to say on the point that the gentleman makes, we would again call on the Department to fully cooperate to the fullest possible extent with the Department of the Interior. Certainly there is no intention here to force the use of any practices that can be kept in the national catalog.

Mr. JOHNSON of Wisconsin. I appreciate the gentleman from Wisconsin's support of my legislation.

MR. POAGE. We have with us our colleague from Michigan, Mr. Dingell. We shall be glad to hear you now. We appreciate your coming before the committee.

**STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MICHIGAN**

MR. DINGELL. Mr. Chairman and members of the committee, I merely come to support the principles of the bills being heard here this morning by your subcommittee. I do want to express my sincere appreciation to the chairman and to the members for the privilege of being with you this morning.

I have long been interested in the problem of conserving our migratory waterfowl, as have a number of members of this subcommittee.

I want to pay tribute to the chairman of this subcommittee for his interest in this subject, and for his help, for his acceptance of the amendments to accomplish, generally, these same purposes as embodied in the legislation before the subcommittee this morning, on the floor, and to tell him how hopeful I am and all of the conservationists in this country are that legislation of this sort will be adopted by the Congress and that this committee will act on the legislation pending before it or some substantially similar measure.

I want to pay tribute to the distinguished member of this subcommittee, Mr. Johnson of Wisconsin, who has sponsored one of the bills before this subcommittee, and to say I am well aware of his good works on behalf of the migratory waterfowl, and in the interests of conservation. A number of his bills have come before my subcommittee, and many of them have been favorably considered.

I think, Mr. Chairman, we are now coming to grips with the problem which we have had in drainage. As the chairman and the members of the subcommittee will recall I have been quite vocal on this subject on the floor on several occasions.

One of my committees, the Committee on Merchant Marine and Fisheries, handles this problem of wildlife conservation. We were so impressed with the desperate situation in which our wildlife finds itself today that we reported out, and the House passed unanimously a bill to provide for \$150 million loan without interest to the migratory bird fund to acquire additional refuge lands.

The migratory waterfowl of this country are at this time, Mr. Chairman, in very desperate straits. There, probably, will be a duck season this year, but, probably, the most limited and curtailed kind, with a substantially reduced bag limit. If we have another year or two of drought in our prairie States and in the prairie Provinces of Canada it may very well be that some of the species now approaching danger of extinction will, actually, pass that threshold, going toward oblivion. It may very well be that we will have, in the next year or so, if the present cycles and trends continue, to absolutely discontinue the migratory bird season which we have in this country and which so many of our people enjoy.

We do not seek by this legislation to halt the drainage of wet lands. We seek only to have them conducted in a way which will preserve

another vital and desperately needed resource. We do not seek by this legislation, Mr. Chairman, to deny farmers the opportunity to conduct their affairs on their own land in the way which they see fit.

We seek to establish a balanced public policy, that Federal funds will not be used to stimulate drainage which has an adverse effect on another Government program which this, that is, the migratory waterfowl conservation program, handled in the Department of the Interior. And I say this, Mr. Chairman, that I have consistently supported and voted for legislation reported out by this committee, although I have a big city district. I hope that I will be able to continue this record. I am hopeful that this committee will act favorably and vigorously on this legislation so that we can secure enactment of some legislation in this field during this session.

I want to express my thanks to the chairman and the members for the privilege of being with you this morning and expressing very briefly to you my views on this subject.

Mr. POAGE. Are there any questions? If not, we are very much obliged to you for coming here. We are glad to have had you with us.

Mr. DINGELL. Thank you.

Mr. POAGE. Are there any other Members of Congress present who want to be heard in favor of the bill?

Mr. ANDERSEN. I do not want to oppose the bill. I do want to offer some suggestions as to what should be contained in the bill.

Mr. POAGE. I want to round out this part of it first, if you please. Are there any other members who favor the bill? Now, it would be our normal procedure, to complete the presentation of the hearing on the bills, first to hear those in favor of it, and, also, to hear our colleagues who may be opposed to it or who have some statement to offer. Our other witnesses, I am sure, will understand the situation.

We will hear now from Mr. Breeding.

STATEMENT OF HON. J. FLOYD BREEDING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. BREEDING. Mr. Chairman and members, I would like to make myself known as being in favor of this bill.

I want to state here now that I join in support of this legislation. Nobody likes to hunt ducks and geese and also to protect wildlife any more than I do. Certainly, I have been interested in the conservation program for wildlife for many years. I have done a lot of work in my own State and on my own farm, for conservation measures for wildlife. And this time I am going to state my position again in favor of this legislation.

Thank you.

Mr. POAGE. Thank you, Mr. Breeding. Are there any questions of Mr. Breeding? We are glad to have had your statement on this subject, Mr. Breeding.

Does anybody else want to make a statement in favor of this bill, any Member of Congress? We will now be glad to hear from Mr. Andersen of Minnesota.

STATEMENT OF HON. CARL H. ANDERSEN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MINNESOTA

Mr. ANDERSEN. Mr. Chairman and members of the subcommittee, I represent 42,000 farmers directly interested in this particular legislation. My district is in the center of the proposed area affected by the bill. That is why I am here today.

None of the gentlemen introducing bills so far as I know are from western Minnesota or the Dakotas.

Mr. Chairman, I think this bill, whatever legislation you do pass out, should define clearly what is a pothole. What is a pothole? We have no definition of a pothole.

I have on my farm illustrations of what happens to be potholes and, also, illustrations of what happen to be natural habitats for wildlife.

I do not object to any department coming in and saying to me, "Carl, here are 7 acres of slough that you should never drain." I could agree with them, but if they should tell me that I would not be permitted to drain one-half acre or an acre of standing water, occasionally, in a pothole, in the middle of the cultivated field, so that my tractors could farm that particular 40 or 80 acres from one end to the other without interruption and if their reasoning was because of the fact that, perhaps, a few ducks could nest there in that one-half acre of water, which might not even stay throughout the summer, then I think they would be wrong.

On my farm for years I have raised about 500 or 1,000 pheasants. I have never put a sign on the farm to keep hunters out.

I have deer on my farm. We have three or four new little deer families every spring. It is a natural habitat for them. I do not object to their being there. I know that they do a little damage to my corn.

I have shot ducks before some of these gentlemen were born. I know what hunting is.

And as one of the originators of conservation reserve, along with Mr. Marshall in the Congress, I believe my record is proof of my interest and efforts in conservation. I also started the small watershed pilot protection program in 1954, along with Mr. Hope when I was chairman of the Subcommittee on Appropriations, so I do not think there is any need for me to add anything further at this time about my interest in conservation.

But I do not want the Department of Agriculture, our ACP Committee, as such, to be in interminable wrangling with the Sport Fisheries and Wildlife Service as to what constitutes rightful authority.

I have had the unfortunate experience with the Sport Fisheries and Wildlife Service in my district—unfortunate to conservationists. In the Ten Mile Water Creek in Yellow Medicine County, Minn., composed of 50,000 acres of land, it was proposed to make that a small watershed protection program. It was well on the way.

We had consultations in the State of Minnesota, and worked out a plan whereby 3,500 acres of that particular 50,000 acres could not be touched by drainage. We were in agreement.

The Fish and Wildlife Service wanted more. The conservation people at the State capital at that time wanted more.

What happened? These farmers became discouraged. They went the judicial route. And now all 3,500 acres are being drained.

You cannot prevent these farmers from going to court and creating a judicial complaint. I have seen them go ahead and drain any particular area they might wish.

How much better it would be—and that is what I am pleading with you people about—to have moderation in this. We should not give to the Fish and Wildlife Service, through the Department of the Interior, the right to autocratically say, “no, you cannot give a farmer a little assistance in creating a waterway that he needs on his farm.”

Who is going to pay the expense of all of that, chasing around to determine whether or not these so-called potholes should be drained or not, gentlemen?

I think at present we have wonderful relations between the farmers in my district and the conservation people. I know I do on my farm. I think it would be very unwise to pass any legislation before clearly defining exactly what is a “pothole.” If you will say, “well, it is at least 2 acres of water that stands throughout the summer,” I would be inclined to agree with you that we should not be permitted to drain that, but if it is a little patch of water that stands in to the middle of June and dries up, and keeps 5 or 6 acres around there wet so that you cannot get anywhere near with a tractor, I say then it should be drained.

Mr. JOHNSON of Wisconsin. Will you yield?

Mr. ANDERSEN. I will be delighted to, sir.

Mr. JOHNSON of Wisconsin. I brought up that same question with our ACP committee of Wisconsin. They told me that as far as they were concerned this year the only drainage they were allowing were potholes which were dried up by the 1st of June. I think that maybe Mr. Andersen has presented a good definition of a pothole.

Mr. POAGE. There is no reference to the word “pothole” in the bill. It seems to me that we are belaboring something which is not contained in the bill.

Mr. ANDERSEN. You might call it the drainage areas.

Mr. POAGE. The wetlands.

Mr. ANDERSEN. What constitutes wetlands. We have in northern Minnesota thousands and thousands of acres of wetlands that should be kept as a refuge. That is where the Fish and Wildlife people should try to develop nesting places for ducks, instead of coming down and taking the land of the farmers on the 42,000 farms in my district and preventing them from properly farming their farms. I am willing to cooperate, but I have found these people throughout the years—and I am sorry to say this—very autocratic in my area of the State of Minnesota.

Mr. JOHNSON of Wisconsin. Will you yield again?

Mr. ANDERSEN. I yield to the gentleman.

Mr. JOHNSON of Wisconsin. I just want to ask that if there were a definition of wetlands in the bill, as you suggested, would that meet your objections?

Mr. ANDERSEN. That would go a long way towards meeting my objections to legislation of this nature. I think it is essential that we have a clearer line of delineation between authorities of the Fish and Wildlife people of the Department of the Interior and the Department of Agriculture.

Thank you.

Mr. POAGE. Thank you, Mr. McIntire.

Mr. MCINTIRE. All of the testimony we have listened to this morning seems to imply that this legislation was directed towards the flyways which are, perhaps, in the midcontinent area. The bill does not make any such reference. The bill says any wetlands in the United States if I read it correctly. That is the way this bill is written.

Mr. ANDERSEN. I think that Mr. Reuss will agree with me, Chairman, that in bills he has introduced, or amendments he has proposed he has named definitely the counties, including those of the Seventh Congressional District of Minnesota which he wants to do something about. So I cannot believe that it is not my area and eastern south-eastern North Dakota that are being affected by this bill.

Mr. MCINTIRE. That was not my point. My point was that the language of this bill means each individual farm in the United States.

Mr. ANDERSEN. May I recall Mr. Reuss' testimony which I believe today mentioned the Dakotas and Minnesota, Mr. Chairman? I am assuming that this legislation is based mainly upon that part of the country.

Mr. MCINTIRE. Well, this may be where some of the problem arises in the minds of some, but, certainly, the subcommittee has to consider this bill as applying to every single farm in the United States.

Mr. ANDERSEN. That is correct.

Mr. MCINTIRE. And if I read it correctly, in my view it would not only apply to those practices for which there would be some payment under the programs which are set up by the county and State committees, but this would, also, apply to the jurisdiction of the soil conservation district, because of the technical assistance mentioned in the bill. Am I wrong in this? That this does apply to the SCS on the farms, the services which are provided under that program?

Mr. ANDERSEN. As I understand, Mr. McIntire, the bill prohibits the expenditure of any money by SCS in technical assistance in cases of this nature, unless these areas have previously been cleared by the Fish and Wildlife Service.

Mr. JOHNSON of Wisconsin. Under my bill, unless the Fish and Wildlife Service puts in their objection to the Department of Agriculture, the Department of Agriculture has to ask the Department of the Interior if they have sent the information over to them.

Mr. ANDERSEN. I think that your bill is a vast improvement over efforts on the floor just to do something without carefully thinking the matter out.

Mr. JOHNSON of Wisconsin. I mentioned that in my testimony. In this way the Department of Agriculture would not be tied up until the Department of Interior acted. If they do not act, the Department of Agriculture proceeds, as it has in the past.

Mr. MCINTIRE. Am I correct in my thought here that this bill provides through the ACP and the SCS program—

Mr. ANDERSEN. The SCS works very closely with the other people, but the SCS and the Department of Agriculture as a whole, Mr. Chairman, do not encourage the draining of any land that 3 out of 5 years is what you call normal wetland. I have never known the ACP or the SCS to advocate anything of that nature.

I want to say this, I think our Department of Agriculture is doing a splendid job in this whole matter, as good as they can under the circumstances. Excuse me for interrupting you.

Mr. McINTIRE. That is all right.

Mr. ANDERSEN. Mr. Chairman, in conclusion I ask that the committee please define just what they mean by "wet lands." I mean, the extent of such. I also ask that the farmer affected be given some avenue of appeal on any decision as to whether or not he must drain his land. And please, Mr. Chairman, take very seriously into consideration just how far can we permit the Department of the Interior—one Department—to interfere with the operations of another Department, the Department of Agriculture, whose appropriations I have been instrumental for about 18 years in furthering in this Congress.

Thank you.

Mr. POAGE. Mr. Dole wants to ask you a question.

Mr. DOLE. I wonder if you would suggest a definition for "wet lands?" Do you have a definition? I wondered if you might have one.

Mr. ANDERSEN. I would say that "wet lands" should, first constitute lands that 4 out of 5 years have standing water through the summer. If a pothole on my land, for example, has standing water 4 out of 5 years I would consider that wet lands. I, certainly, would not attempt to farm it. And if it is naturally that way I say it should come under the purview of the act. I should say in my case where I have this 7-acre slough, certainly, I have kept it as a wildlife preserve on my own right. That is where I raise those deer. I could drain it, but I would have quite a bit of expense draining it. I have plenty of land. I do not attempt to drain it. We raise, again I reiterate, somewhere around 500 to 1,000 pheasants every year on my little piece of land. We are helping the wildlife people, but we must keep moderation in the whole thing or, otherwise, you gentlemen from the East and from the Chicago area will not be welcome to my part of the country. I do not want to see that happen. Years ago it was like that. Today we have a pretty good feeling throughout our section. I want to keep it that way.

I do not think I have to apologize to anybody for my conservation theories. My record is well known. I am just talking to you very frankly.

Thank you.

Mr. POAGE. Thank you, Mr. Andersen. Are there any further questions?

Mr. JOHNSON of Wisconsin. I agree with Mr. Andersen that wet lands should be defined in the bill, if it is necessary. I will take that up with the Agriculture Department's witnesses.

Mr. ANDERSEN. If you will make a definition that will be reasonable, Mr. Johnson—if you will protect the interests of the Department of Agriculture in its dealings with a sometimes autocratic Fish and Wildlife Service, then I say "Amen," to your bill. Thank you again.

Mr. GATHINGS. I would like to commend the gentleman for his consistent work in behalf of the American farmer.

Mr. ANDERSEN. Thank you.

Mr. GATHINGS. You have always gone down the line for them.

Mr. ANDERSEN. I want to commend you gentlemen also for your good work in behalf of them.

Mr. POAGE. Thank you.

We have only a few minutes left. I have some statements which I have been requested to insert into the record, and without objection, I will ask unanimous consent that they be included in the record.

(The letter from the National Wildlands News, dated August 16, 1961, and a statement by Devereux Butcher, editor, National Wildlands News, follows:)

SEAL HARBOR, MAINE,
August 16, 1961.

Hon. W. R. POAGE,
Chairman, Subcommittee on Conservation and Credit, House Agriculture Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN POAGE: Enclosed herewith is a carbon of our statement for the printed record of the hearings to be held by your subcommittee on H.R. 8520 on August 18.

I have sent a copy to the clerk of the committee with the request that this brief supporting statement be included in the record. You may be sure that if you would be so kind as to bring our approval of the bill to the attention of the subcommittee, we would be most grateful to you. We feel this is extremely important legislation; that it must be enacted into law if our vanishing waterfowl is to be saved, and we want to give its enactment all the help we can.

You may be familiar with the News, but in case not, I am sending a copy to you for your inspection under separate cover.

It may be too late to report the hearing in our October issue, which is now almost ready to be sent to the printer, but if you should care to jot down any comments about it and rush them to me, I shall see what I can do.

Sincerely,

DEVEREUX BUTCHER.

STATEMENT OF DEVEREUX BUTCHER, EDITOR, NATIONAL WILDLANDS NEWS

The editors of National Wildlands News, a monthly paper with nationwide circulation, are glad to support H.R. 8520. We have deplored for years the inconsistency of one Federal agency helping farmers to destroy waterfowl habitat, while another Federal agency is trying to preserve such habitat, and we consider this legislation long overdue. Every effort should be made to save our vanishing waterfowl populations now. The purpose of H.R. 8520 is plain commonsense, and we urge the subcommittee to report the bill favorably to the whole committee.

Mr. POAGE. Is there anyone in the audience who wants to insert a statement? If not, then we will next hear from the Department of Agriculture, Mr. Young.

STATEMENT OF GLADWIN E. YOUNG, DEPUTY ADMINISTRATOR, SOIL CONSERVATION SERVICE; ACCOMPANIED BY FRED RITCHIE, ASSISTANT DEPUTY ADMINISTRATOR, AND LAWRENCE V. COMPTON, HEAD BIOLOGIST, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. YOUNG. Mr. Chairman and members of the committee, the Department of Agriculture welcomes this opportunity to appear before your committee to discuss H.R. 8520 which would prescribe procedures for approval of agreements to furnish financial and technical assistance for agricultural drainage.

We offer no objections to the bill under interpretations we set forth in this statement.

We wish to make it clear that the Department of Agriculture recognizes wildlife as a valuable asset. Through cooperative programs with farmers, this Department is making a major contribution to the conservation and development of wildlife resources. These are positive and constructive programs. We need only to mention (1) the work of the Forest Service, not only in national forests, but also the nationwide programs of farm woodland improvement and protection carried out cooperatively with States; (2) the Soil Conservation Service assistance to farmers and ranchers over the last 25 years to prepare farm conservation plans and watershed projects with provisions for practices of direct, as well as indirect, benefit to wildlife, such as 4½ million acres of wildlife area treatment, 39,000 miles of windbreaks, 25,000 miles of hedgerows and 8½ million acres of range seeding; (3) the conservation practices applied on retired cropland under the conservation reserve program, including more than 2 million acres of trees, 19 million acres of permanent vegetative cover, over 300,000 acres of annual feed and cover crops for wildlife, and over 7,500 acres of cropland converted to marshland management for wildlife; and (4) the tremendous contributions to wildlife that have come from the application of conservation practices by farmers with ACP cost sharing assistance which include among others 1.7 million water storage reservoirs, 3 million acres of tree and shrub plantings, 7 million acres of timberstand improvement, and 775 million acres of vegetative cover established or improved during the past 25 years.

At the request of the Department of Agriculture new language is included in the 1962 Appropriation Act to provide ACP financial assistance for practices where the direct benefits are for wildlife. This means that beginning with the 1962 program, county and State ASC committees can share with farmers the cost of practices that are of direct benefit to wildlife conservation while at the same time provide other soil and water conservation benefits. Under this authority financial and technical assistance will be given to farmers for the development or restoration of shallow water areas for wildlife, for constructing ponds and dams for wildlife, for wildlife cover and food plots and other practices that will enhance wildlife in a particular county or State.

Mr. POAGE. May I just ask this question? Is it now the policy of the Department to pay people to undo what you paid them to do within the last 10 years?

Mr. YOUNG. I would hope that is not right. This would be an inconsistent policy.

Mr. POAGE. I am asking if in connection with this program you are telling us about, that you requested funds from the Appropriations Committee to pay farmers to undo what you paid them to do within the last 10 years.

Mr. YOUNG. May I ask Mr. Ritchie from ACP to answer that question?

Mr. POAGE. Yes.

Mr. RITCHIE. The ACP offer to help restore a wetland area in my opinion could only apply to one we had drained, if it was now found by the farmer to be improper drainage that should not have been done.

Mr. POAGE. That is not my question at all. Are you going to help these people restore water to land where you helped them get the water off? That is what I want to know.

Mr. RITCHIE. I do not think that we will do that, except that there may conceivably be a situation where the drainage that was put in was improperly put in and should not have been done, and the farmer now recognizes that and everyone else recognizes it. We have not restricted the county committee from helping him to restore that land to a wetland area. If the drainage was successful and it is good, usable land, we are sure that neither the farmer nor the committee would want to use this authority to put it back into wet lands.

Mr. POAGE. May I say, without prejudice to the bill before us, because I do not think that there ought to be any judgment on the merits of this bill, if the Department of Agriculture is going to engage in the practice of paying people to undo what the same Department of Agriculture paid them to do, then do not ask us to bail you out. You have got to have some consistency in your policy, and not to pay them to undo the things that you paid them to do.

Mr. RITCHIE. We, certainly, would not want to be inconsistent in that respect. Where we have helped the farmer drain, either with SCS technical service or other assistance, it would not be our intention to indiscriminately let him have help in restoring that land to a wetland area.

Mr. POAGE. I do not want to be responsible for it. I invite you to come down to my district and explain this change of policy and I hope that you will accept my invitation publicly now.

Mr. YOUNG. We will accept that invitation.

Wildlife as we know it in the United States is largely an agricultural crop. Like other agricultural crops, its welfare rests mainly in the hands of farmers and ranchers. More than half of the Nation's total land area is in farms and ranches and they produce most of the wildlife for hunters to shoot at or for others to see and enjoy. Our present abundance of agricultural wildlife is due in large part to the soil, water, and woodland conservation programs that the Department of Agriculture assists landowners to carry out.

We would emphasize strongly that wildlife production and efficient productive farming are not incompatible. They do exist side by side.

On the other hand there is an area of conflict on some farms between maximum use of land for waterfowl production and profitable farm income. Decisions about this conflict in use of land and water rests entirely with the landowners. Whether to drain land to increase farm income is a decision that can be made only by each farmer.

The area of controversy about drainage that has reached public attention involves drainage assistance given by ACP and SCS to farmers in the prairie pothole areas of Minnesota, North Dakota, and South Dakota.

DEPARTMENT OF AGRICULTURE POLICY ON DRAINAGE

The policy of the Department of Agriculture with respect to drainage is based on the principle that it is possible and it is necessary for waterfowl production and efficient farming to exist side by side.

It is based on the fact that national policy has given definition to public interest in both efficient farming and wildlife. A solution to conflict between these two major uses of land cannot be found, therefore, merely by giving one type of use complete priority over the other.

A condensed statement of Department policies for providing drainage assistance is included in a memorandum issued February 21, 1957, by the Administrators of SCS and of the ACP, "Guidelines for Applying Policies in Drainage and Biology in the Pothole Section of Minnesota, North Dakota, and South Dakota." A copy of that memorandum is attached to this statement. It is still in force as the basic policy statement of the Department.

This policy is essentially this: Federal funds will not be used to assist in draining land for the purpose of developing new farms nor for the primary purpose of bringing new land into agricultural production. The Department does assist farmers to improve their operating efficiency by helping them to apply improved farming practices, including drainage of existing crop and pasture land whenever such drainage will contribute to improvement of efficiency on individual farms. Specific instructions to Department field offices direct that in giving assistance for the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Soil conservation districts and ASC committees are encouraged to give consideration to wildlife in planning soil and water conservation practices. Anyone who has observed the tremendous beneficial effects of soil and water conservation work on farms could not help but be impressed with the beneficial effects such practices have had on wildlife.

Provisions of the agricultural conservation program limit cost-sharing assistance for drainage to land, based on actual recent use; that is, cropland devoted to the production of cultivated crops or crops normally seeded as hay or pasture in the area. Generally land must have a history of such past use for at least 2 of the 5 years preceding that in which the practice is applied. However, in the States of North Dakota, South Dakota, and Minnesota, recognizing the special conditions there regarding wildlife habitat, this eligibility requirement for drainage has been increased by the State and county ASC committees to 3 out of the last 5 years.

There is no question but that efforts to implement these policies have been sincere and have been generally successful. There is no question either that some drainage has been carried out that neither the Agricultural staff nor Wildlife staff wanted to see drained. The wildlife interests have been seriously handicapped in not having a positive program of wildlife improvement to supplement the efforts of the Department of Agriculture.

In recognition of this, a special cooperative effort has been made during the past year for the Fish and Wildlife Service to review requests for drainage in the prairie pothole area and to report to the county ASC committees those cases where drainage would be harmful to waterfowl.

While this has not been more than a pilot effort, it does give some basis for judging the expansion of essentially this same procedure through legislative direction as proposed in H.R. 8520.

It is not possible nor is it necessary to try to recite here all the steps taken to implement the Department's policies of trying to deal equitably with requests for drainage assistance. It is important, however, for the record to show not only that definite restrictions against drainage are applied by the Department of Agriculture when major wildlife values are involved, but also to show that a positive program of wildlife improvement is promoted with farmers by the Department of Agriculture when helping them with drainage problems.

EXISTING PROVISION OF LAW WHICH PROHIBITS THE SECRETARY FROM
MAKING RESTRICTIVE CHANGES IN ACP

For the 1959 and subsequent programs, the language of the Appropriation Act has provided that no change shall be made in the ACP which will have the effect in any county of restricting eligibility requirements or cost sharing on practices included in specified prior years unless such change shall have been recommended by the county committee and approved by the State committee. This has the effect of continuing any practice which was contained in a county program in the specified base period unless the county ASC committee and State ASC committee recommended its elimination or change. With respect to drainage this means that the Department at the national level does not have the authority to make the eligibility requirements for drainage more restrictive. Neither does it have the authority to deny assistance for drainage practices.

PROVISIONS OF H.R. 8520

H.R. 8520, as we interpret it, would vest in the Secretary of the Interior the authority to interpose a denial of financial and technical assistance for drainage under programs administered by the Department of Agriculture to a specifically identified drainage area on a farm where he has found that wildlife preservation would be materially harmed by such drainage. We do not believe that the Secretary of the Interior would make such a finding except where he was certain that the resultant damage to wildlife would so clearly outweigh the public interest in the conservation and use of the land as an agricultural resource that he could and would justify to local people the basis for his action. While the proposed legislation is written to apply nationwide, we understand that the problem to be solved is confined largely to the prairie pothole areas of North Dakota, South Dakota, and Minnesota. We understand also that the proposed legislation if enacted would not delay our going ahead with agreements for financial and technical assistance for drainage of areas on farms regarding which specific adverse findings had not been filed by the Department of the Interior. Unless this were so, our conservation programs would come to a halt in many areas and on many farms where drainage would not in any way be detrimental to wildlife.

Regardless of whether this bill is enacted, the Department of Agriculture expects to continue its active cooperation with the Department of the Interior to find workable solutions to this problem. We expect to continue to promote the conservation of wildlife and to gain the cooperation of farmers to this end. Furthermore, we shall expect to make effective use of the new provision for cost sharing for wildlife

practices. We shall continue to restrict financial and technical assistance for drainage to lands already in crops and deny assistance for bringing new land into crop production. We shall continue to emphasize the value of wildlife and its interrelationship with soil, water, and forest conservation on the farms and ranches of the Nation. We expect wildlife conservation to continue to occupy a prominent place in the program of the Department of Agriculture.

We shall look forward to an expanded positive program of wildlife improvement that will not impose on farmers the costs and sacrifices of maintaining wildlife for the sportsmen of the Nation.

Mr. POAGE. Thank you. I notice that you have an attachment to your paper, do you desire to have that made a part of the record?

Mr. YOUNG. Yes.

Mr. POAGE. Without objection, it will be made a part of the record at this point.

(The document entitled "Biology Memorandum SCS-3, dated February 21, 1957, follows:)

BIOL-3

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D.C.

FEBRUARY 21, 1957.

Biology memorandum SCS-3

To: SCS Conservationists, Minnesota, South Dakota, and North Dakota; and Chairman, ASC State Committee.

From: D. A. Williams, Administrator, SCS; and P. M. Koger, Administrator, CPS.

Subject: Guidelines for Applying Policies in Drainage and Biology in the Pothole Section of Minnesota, North Dakota, and South Dakota.

This memorandum is applicable in those soil conservation districts and counties of Minnesota and the Dakotas in which potholes occur. It establishes guidelines for use by SCS work unit and area personnel in making decisions regarding extending assistance in drainage under SCS Administrator's Memorandums 98 and 102, and provides information for State and county ASC committees since in some cases they may ultimately be called on to make decisions in some of these cases. In using the guidelines, close cooperation must be maintained between SCS, the ASC county committee and the supervisors of the soil conservation district.

BACKGROUND INFORMATION

The following background information is important to the understanding and application of the guidelines:

1. Work unit and area personnel of SCS are required to decide in accordance with applicable Department policy, whether requested assistance should or should not be extended in the drainage of particular wetland sites. Among the problems arising in making such decisions are:

(a) How to appraise the primary purpose in draining the site.

(b) How to discharge Service objectives and policies in regard to wildlife as stated in Administrator's Memorandums 98 and 102.

(c) How to discharge Service responsibilities in the conservation reserve program.

2. The policy of the Department with respect to drainage is essentially this: Federal funds will not be used to assist in draining land for the purpose of developing new farms nor for the primary purpose of bringing new land into agricultural production.

(a) SCS Administrator's Memorandum 102 states: "In accord with the current policy of the Department of Agriculture, the Service will not provide assistance to cooperators in drainage, the primary purpose of which is to bring additional land into agricultural production."

(b) Descriptions of drainage practices in the ACP National Bulletin include the limitations: "No Federal cost-sharing will be allowed for ditches [systems], the primary purpose of which is to bring additional land into agricultural pro-

duction * * *. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat."

3. The Department does assist farmers in improving their operating efficiency by helping them to apply improved farming practices, including drainage of existing crop and pasture land whenever such drainage will contribute to improvement of efficiency on individual farms. In such cases, the Department provides technical assistance from the Soil Conservation Service and cost-sharing assistance is available under the agricultural conservation program.

(a) The Soil Conservation Service has several responsibilities in regard to the agricultural conservation program. Among these is the responsibility for the technical phases of the drainage practices. This responsibility includes determining whether the proposed drainage is needed and practical. It also includes determining whether the primary purpose of the drainage is to bring additional land into agricultural production (see par. 134 of the ACPS Handbook).

(b) The ACP National Bulletin lists seven general principles which are the basis upon which the program is developed and carried out. Principle 6 states: "The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland as a result of drainage * * *."

(c) In the ACPS Handbook (par. 78) the limitation regarding the bringing of additional land into agricultural production is interpreted as follows: "General program principle 6 and the wording of some practices deal with bringing additional land into agricultural production. It probably could be said that practically all land in farms and ranches is in agricultural production to some limited extent. However, the application of such an interpretation would permit the approval of practices C-9, C-10, C-13, and C-14 on woodland, swampland, open native range, desert land, and similar land entirely unproductive except in the most limited sense. Such an approach would make the provision meaningless. The drainage of such land or the bringing of such land under irrigation would be, in practical effect, the bringing of additional land into agricultural production. No inflexible rule would likely achieve conformity with the spirit of the sixth general program principle in the National Bulletin and the wording of the practices. Accordingly, in approving or disapproving requests for cost-sharing for practices to which the limitation applies, county committees should proceed on the basis of sound judgment applied to the individual cases. As a general rule, cultivated cropland would be eligible as would land devoted to the production of tame hay crops. As to swampland, desert land, and open rangeland producing only the natural growth of native forage, it is believed that such land generally would not qualify. Also, it is believed that land which has been farmed at some time in the past but which has not been farmed in recent years * * * generally would not qualify."

4. The conservation reserve program provides economic returns and cost-sharing for retirement from cultivation of lands eligible for this program. Practice G-2, "Water and marsh management to benefit fish and wildlife," includes "the development of shallow-water areas to improve habitat for waterfowl, fur animals and other wildlife as well as restoration of drained areas (formerly marshland) by installing earth plugs or water control structures in drainage ditches." (When accepting assistance on Practice G-2, the landowner is responsible for conformity with applicable State laws relating to obstructing drainage ditches.)

5. The SCS and the ACPS recognize wildlife to be a resource of national importance. One of the stated policies in biology of the SCS is: "To safeguard the habitat of valued wildlife and to offset or reduce damage to such habitat resulting from changes in land use or installation of soil and water conservation practices." The ACP National Bulletin sets up the qualification: "In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat."

6. The landowner or operator makes the decision as to how he will use and treat his land including whether he will apply drainage or other conservation practices.

GUIDELINES FOR CONSIDERING INDIVIDUAL REQUESTS

The guidelines which follow apply to Soil Conservation Service technical help, whether the request is one referred from the soil conservation district, is an application for ACP cost-sharing, or is both. They are not intended as inflexible rules but as aids in judging the merits of each case, in making sound decisions

as to whether the requested assistance will or will not be extended, and in planning for the maintenance or improvement of wildlife habitat.

In judging the merits of each case of an area proposed for drainage, the following circumstances should be considered:

- (a) Is the area located in a cultivated field or is it in a field of permanent or native vegetation?
- (b) Is the area a permanently wet one?
- (c) In what manner and how seriously does the area interfere with the efficiency of farming operations or with the establishment of conservation measures?
- (d) If the area can be cultivated after drainage, what will be the relationship of cost of drainage to early return from crops?
- (e) What is the proportional relationship of the area to the total cultivated acreage of the farm?

It is rather obvious that in many cases where the drainage of potholes and permanently wet areas would contribute importantly to the total acreage of cultivated land on the farm or for which the cost of drainage would likely be quickly amortized by returns from cultivated crops, they would be interpreted as being primarily for the purpose of bringing additional land into production.

Generally, assistance will not be provided for drainage of the following kinds of potholes and wet areas since ordinarily such drainage will be primarily for the purpose of bringing additional land into agricultural production:

1. Potholes and wet areas in fields of permanent or native vegetation.
2. Potholes, marshes, sloughs, swales and swamps, characterized by such vegetation as rushes, sedges, cattails, reed grasses, aquatic trees and shrubs, and associated aquatic plants.
3. Potholes and wet areas that do not seriously interfere with farming operations or with the establishment of conservation practices other than drainage.

Requests for assistance in draining the above kinds of wet areas may, in some cases, represent conditions where (a) the wet area is in the line of a ditch that will serve cropland at a higher elevation, or (b) the presence of the wet area prevents the adoption of needed conservation practices. Where such conditions exist, there may be some question as to whether the primary purpose of the proposed drainage is to bring additional land into agricultural production. If the WUC of SCS is in doubt as to whether furnishing the assistance would be proper, he will take one of the following actions:

1. If the request is an ACP 247 referral and the applicant is a SCD cooperator, the WUC will consider the case with both the ASC County Committee and the SCD Board of Supervisors.

If such consultation indicates agreement of the Committee, the Board and the WUC that the assistance is justified, the ACP 247 referral should be properly executed and the assistance extended.

If such consultation indicates less than agreement as to the assistance being justified, the ACP referral should be handled in conformity with paragraph 134 of the ACPS Handbook which as to such doubtful cases reads, "In the final analysis, judgment decisions in the doubtful cases are the responsibility of the county committee." In making decisions in these cases the ASC County Committee should endeavor to abide by the guidelines set forth in the memorandum to the fullest extent consistent with the facts in the individual case.

2. If the request is an ACP 247 referral but the applicant is not a SCD cooperator, the WUC will consider the case with the ASC County Committee. If consultation does not result in agreement as to appropriate action, the referral will be handled in conformity with paragraph 134 of the ACPS Handbook.

3. If the applicant is a SCD cooperator but ACP cost-sharing is not involved, the WUC will consider the case with the SCD Board of Supervisors. If such consultation arises any doubt as to whether the assistance is justified, the assistance should be extended.

GROUP DRAINAGE ENTERPRISES

Requests for assistance in drainage enterprises organized under State laws will be evaluated in accordance with the same criteria used for judging the merits of requests by individual farmers. Where the request does not involve ACP cost-sharing and there is some doubt whether assistance should be provided, it will be referred to the SCS State office for consideration.

SAFEGUARDING THE HABITAT OF WILDLIFE

Migratory waterfowl are an important wildlife resource of the pothole country. They are produced primarily upon privately owned farm and ranch lands and their continued production in this area necessitates that landowners and operators have an appreciation of the values and importance of this resource, and that the retention and improvement of waterfowl habitat becomes a recognized part of conservation farming and ranching. It also requires the cooperative effort of private and public wildlife interests to enhance the opportunities for habitat improvement.

It is not solely the problem of landowners and operators. Wildlife interests must come to recognize and respect the farmer's choice to do with his land as he determines.

With these facts in mind the WUC is responsible for taking the following actions even in those cases where the proposed drainage is clearly eligible within the policies of SCS and ACPS.

1. Encourage the soil conservation district governing body to develop positive wildlife conservation activities and to establish policies which will encourage habitat improvement for waterfowl and other wildlife.

2. Inform the farmer about the significant wildlife values of the wet land involved and call to his attention the alternative opportunities of improving the site for wildlife, including practices under the conservation reserve program.

3. Consider with the farmer ways of replacing the significant habitat values that will be lost by drainage through: (a) improving permanent potholes left on the farm, or (b) developing ponds, pits or dugouts, or (c) restoring previously drained areas through the conservation reserve program or other private or public effort.

4. If the farmer's decision to drain the area is not altered, and if the pothole is a permanent one and of apparent significant wildlife value, inform the farmer (and soil conservation district if he is a cooperator) that the SCS cannot give him further drainage assistance until the State fish and game agency has had a reasonable opportunity to inspect the area, make a determination of its wildlife value, and if found valuable for wildlife, make him an alternative proposal for maintaining and improving the area for wildlife.

5. Furnish the desired drainage assistance if the proposed drainage is within the SCS and ACPS policy and if within a reasonable time, the State fish and game agency, the U.S. Fish and Wildlife Service, or other interested public or private agency does not make the cooperator an acceptable offer. (The waiting period will be 20 days during the months April–November, or until May 1 for notifications submitted during December–March inclusive.)

The ASC County Committee should assist the WUC in every practicable way in carrying out his responsibilities to both the SCS and ACPS in safeguarding wildlife habitat.

Mr. POAGE. Are there any questions?

Mr. McINTIRE. While not recited in your statement, what effect does this have on the draining in relation to the Small Watersheds Act?

Mr. YOUNG. We believe it does not apply to the Small Watershed Act, simply because this is a proposed amendment to the Soil Conservation Domestic Allotment Act under which our regular soil conservation work applies. Technical assistance to districts would be involved.

Mr. POAGE. I want to take issue with you. I think it does apply to the Soil Conservation Act. There is no limitation, it is true, but it says, "The Secretary of Agriculture shall not enter into an agreement to provide financial or technical assistance for wetland drainage on a farm under authority of this act" and so forth.

If the Secretary of Agriculture is going to drain land it would seem to me that this includes it.

Mr. McINTIRE. Mr. Chairman, some of the benefits that are accredited to small watershed programs involve the upriver and uplands, and practices on those lands are handled through the SCS.

Mr. YOUNG. That is correct.

Mr. McINTIRE. It seems to me that this legislation applies very substantially to the activities and the plans developed under the Small Watershed Act.

Mr. YOUNG. That is a matter of interpretation. We have interpreted Public Law 566, as amended by subsequent acts, as providing definite procedures for the Fish and Wildlife Service to participate in the planning of fish and wildlife features of watershed projects. Since H.R. 8520 is merely a provision for the U.S. Department of the Interior to participate in the planning on farm drainage, we assumed that this bill specifically applied to only this feature. Provision for fish and wildlife participation had been previously taken into account and provided for in amendments to Public Law 566. That is our interpretation of it.

Mr. POAGE. Are there any further questions?

Mr. JOHNSON of Wisconsin. Would you be willing to submit an amendment to the committee giving a definition of what is included in wetlands?

Mr. YOUNG. We would be willing to submit some ideas on it. I look on it as a very complex thing. Possibly, it would need to be discussed with the Department of the Interior in arriving at a workable definition.

Mr. JOHNSON of Wisconsin. Would the Department of Agriculture and the Department of the Interior get together and furnish the committee, within the next several days, with a definition of what they would consider wet lands?

Mr. POAGE. They can determine that for themselves. I think that Mr. Andersen offered a very good suggestion on that.

Mr. JOHNSON of Wisconsin. May we go off the record?

Mr. POAGE. Yes.

(Discussion off the record.)

Mr. POAGE. On the record.

Mr. GATHINGS. Mr. Young, it seems from your testimony that you are pretty close to recognizing some type of agreement with the Department of the Interior. Is that correct?

Mr. YOUNG. Yes, sir; we think that we have been operating in a limited pilot area with the Department of the Interior on essentially the same procedural basis proposed in this bill.

Mr. GATHINGS. What about the testimony this morning to the effect that in innumerable cases the Interior Department has suggested that drainage not be done in a particular area and the Department of Agriculture went ahead irrespective of your recommendation—

Mr. YOUNG. I was not able to follow Mr. Reuss' figures. He was reporting figures for Minnesota for the last 6 months. I have not seen those. But some figures that were presented to us from our field offices for the first 6 months of this cooperative agreement for the three States, the Fish and Wildlife Service reported to the county ASC committees on several hundred referred drainage cases showed that two out of three of those cases they reported back did not affect wildlife.

Mr. GATHINGS. The Interior Department reported that in many drainage cases wildlife was not involved.

Mr. YOUNG. That is correct—two out of three of the drainage referrals to the ASC committees during the 6 months' period were reported on by the Fish and Wildlife Service as having little or no effect on waterfowl and therefore no objection to drainage.

Mr. GATHINGS. What about the other one-third?

Mr. YOUNG. There lies the problem. On about a third of the drainage cases there are questions of fact, actually, as to whether or not they are detrimental or how detrimental they are to wildlife. And placing that over against how beneficial drainage is from the farmers point of view. In every case there are two values to be considered—both the wildlife values and the efficient farming values. This inevitably means that we are going to have conflicts that must be decided. We are searching for a method to weigh those conflicts and find a reasonable balance in what we are doing.

Mr. JOHNSON of Wisconsin. There is something on page 6 of your statement about the Department can go ahead.

Mr. YOUNG. The county ASC committees have the decision to make about this, and they are the ones that have made the decisions, whether they would provide assistance to drain even after they get the Fish and Wildlife report. These reports have gone to the county ASC committees. They make the decisions whether or not they will accept the recommendation of the Fish and Wildlife Service.

Mr. JOHNSON of Wisconsin. The Secretary of Agriculture could not step in and say no?

Mr. YOUNG. That is correct.

Mr. JOHNSON of Wisconsin. You cannot do anything—you cannot do this, because in the language in the appropriations bill that you have cited on page 6 of your statement mentioned the Secretary of Agriculture is stopped from interfering with any such practice, is that correct?

Mr. YOUNG. That is correct, but the county ASC committees have that authority.

Mr. JOHNSON of Wisconsin. Yes; but the Secretary of Agriculture cannot interfere with the county committee?

Mr. YOUNG. That is correct.

Mr. POAGE. I think that we will have to go to the floor.

Do you have a report from the Department of Agriculture?

Mr. YOUNG. No, but one is being prepared.

Mr. POAGE. I know there are a number of people who would like to be heard. I do not know what further hearings we will have, if any, that is, public hearings. I will assure you, if you wish to present your views for the record, we will have them there and we will consider them.

Mr. JOHNSON will get permission to insert into the record for you.

Mr. JOHNSON of Wisconsin. I think that the Department of Agriculture and the Department of the Interior should get together and present to the committee their idea of a definition of "wetlands."

Mr. POAGE. Certainly, if they want to act on that suggestion, that is fine.

Is there anyone present who desires to submit a statement for the record?

Mr. GUTERMUTH. Yes, my name is C. R. Gutermuth, and I am vice president of the Wildlife Management Institute with headquarters in Washington, D.C. We should like to submit a statement.

Mr. POAGE. We will be glad to receive it and it will be inserted in the record at this point.

(The prepared statement of the Wildlife Management Institute follows:)

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, with headquarters in Washington, D.C. The institute is one of the older national conservation organizations, and its program has been devoted to the restoration and improved management of natural resources in the public interest for 50 years.

The institute joins with other conservationists throughout the country in endorsing and supporting the objectives of H.R. 8520 and similar bills. The urgent need for the Federal Government to have some voice in controlling the drainage of wet lands that primarily are valuable for wildlife has been expressed at committee meetings and on the floor of the House and Senate for years. Many words have been spoken, but few direct actions ever have been taken. Waterfowl programs have been expanded, but all previous efforts to deal directly with the drainage subsidy problem have met with a hard core of opposition on the part of some key Members of Congress.

It is hoped that the introduction of H.R. 8520 by Congressman Lester Johnson, a prominent and respected member of this committee, is an omen that the Congress now is prepared to take positive action to correct the deplorable situation that has developed under the Soil Conservation and Domestic Allotment Act. This is the situation that caused President Kennedy to express the hope in his natural resources message that "consistent and coordinated Federal leadership can expand our fish and wildlife opportunities without the present conflicts of agencies and interests: One department paying to have wetlands drained for agricultural purposes while another is purchasing lands for wildlife or waterfowl refuges * * *."

Productive wet lands for ducks, geese, and other wildlife are being drained faster than necessary habitat can be acquired for essential State and Federal wildlife programs. Agricultural drainage, road construction, and industrial and urban expansion are taking a huge toll of the remaining 30 million acres of good waterfowl marshes. Quality marshland habitat has decreased by 75 percent in less than 30 years. Federal soil and water conservation programs are hastening the drainage of vital wet lands in some areas.

Continental duck populations are in a state of depression. Some species, such as the prized canvasbacks and redheads, are in acute condition. This year's waterfowl hunting regulations will have to be restricted still more. The destruction of permanent water areas by drainage and the failure of others because of the drought, which now grips large sections of the breeding areas, make the outlook dismal.

Conservationists recognize that the Federal Government has responsibilities for agriculture as well as for migratory waterfowl. But they can see no justification for continuing the Federal technical and financial assistance that is causing such irreparable damage, particularly in the principal breeding areas.

Neither the Department of Agriculture nor the Department of the Interior has adequate authority to prevent unwise wetlands drainage. The USDA provides requested technical and financial assistance whenever a drainage application is found eligible for program requirements and is approved by the local farmers' committee. The Interior Department is in a vulnerable position. It can do little to protect itself from the injurious side effects of the program of a sister resources agency.

One of the most troublesome areas—the tristate region of Minnesota and the Dakotas—is the principal waterfowl nesting ground in continental United States. Many thousands of acres of prime wetlands have been drained with the assistance of the Federal Government, and the destruction continues at a fearsome rate.

Last year, for example, under an agreement of the Agriculture and Interior Departments, the U.S. Fish and Wildlife Service inspected potholes and other wet lands proposed for Federal drainage assistance so that specific recommendations could be made to spare areas that contribute to the national waterfowl program. This was done in 12 of the 90 counties in the 3-State region. Of 1,629 potholes proposed for drainage by farmers and certified as being eligible by the Soil Conservation Service, 553 were recommended for preservation. Only 128—less than one-quarter—were saved; overriding waterfowl requirements were ignored on most of them. This illustrates the grave situation that forces one Federal agency to help plan and finance the destruction of wet lands while a second bears the responsibility for acquiring and restoring wet lands for a wildlife program in which the Federal Government has a primary role.

Here is another point that should not be overlooked, Mr. Chairman. The Nation's duck hunters got together back in the 1930's and requested Congress to enact the Migratory Bird Hunting Stamp Act so they could contribute directly to the national waterfowl restoration program. The first duck stamps sold for \$1. The sportsmen requested and obtained two subsequent increases and the stamps now sell for \$3. We will not go into all the past history, but reports of House and Senate committees show the many millions of dollars that America's sportsmen have invested in the national waterfowl program. Sizeable acreages have been purchased and, for many years, a substantial part of the day-to-day operating expenses of the waterfowl program of the U.S. Fish and Wildlife Service were borne from duck stamp receipts. Congress presently has before it a bill that would authorize up to \$150 million for a 10-year wetlands acquisition program. Hunters again will be paying most of the costs, and not less than 75 percent of future duck stamp receipts are being pledged to repay the advance.

We wish to make two salient points in this regard, Mr. Chairman. The first is that waterfowl hunters already are being asked to pay their full share. Secondly, agricultural drainage, stimulated by Federal technical and financial assistance, has had a significant part in the destruction of infinitely more acres of productive waterfowl habitat than has been or can be acquired. The Nation's duck hunters never can hope to match the funds that are available through the Agriculture Department. No wonder they are concerned.

This concern is not confined to duck hunters, however. Leading U.S. conservationists have traveled to Canada and met with key officials to discuss mutual waterfowl problems. Agricultural drainage and various other developments are proceeding in some of the best waterfowl nesting areas of the Canadian Prairie Provinces. Secretary of the Interior Udall and Secretary Freeman of the Department of Agriculture have reviewed the waterfowl situation with Canadian Ministers. The Canadians are mindful of their responsibilities. They also have expressed anxiety about the widespread destruction of waterfowl habitat in the United States. A special international task force, appointed as a result of the conference to represent these two great countries, met in Washington this week for initial planning of its work.

We wish to make clear, Mr. Chairman, that conservationists support the overall objectives of the several similar bills that are before this committee. We are somewhat concerned, because the bills offer two approaches to this serious problem. H.R. 8520 appears to require the U.S. Fish and Wildlife Service to make a farm-by-farm inspection of all wet lands and to file detailed information about specific areas that should be preserved with the Department of Agriculture. If this is so, the Service would need significant increases in staff and appropriations to do the job.

If our understanding is correct, it would appear that the requirements imposed in H.R. 8520 might actually work as an obstacle to protecting good wet lands. The farm-by-farm inspection and evaluation is going to take time, time that actually might facilitate the drainage of key wet lands before the Fish and Wildlife Service has had an opportunity to complete its analyses. For example, it has been estimated that in the tristate area of Minnesota and the Dakotas there are more than 1 million potholes and other small water areas. How long will it take the Service to locate, inspect, evaluate, and file reports on that many potholes? How long can a farmer wait to learn whether his drainage plan is eligible for Federal assistance? Can the Service obtain sufficient experienced biologists to undertake a farm-by-farm wetland survey? Under H.R. 8520, what procedure would be established between the Interior

and Agriculture Departments; and how much time would be available for the wetland evaluation before drainage begins? On the surface, H.R. 8510 appears to offer the Interior and Agriculture Departments greater opportunity for working out a satisfactory cooperative program at a lesser cost to the Federal Government. The Interior and Agriculture Departments should be able to recommend to the committee which of these bills offer the best solution.

The authors of all these bills are held in high regard by conservationists, and their interest in securing positive action to avert further destruction of essential waterfowl habitat is sincerely appreciated. We know that these gentlemen, the members of this committee, and the Congress will want to make sure that an equitable, effective, and workable formula is developed. The Soil Conservation Service and the U.S. Fish and Wildlife Service already have had a trial working relationship on this problem in the field. We are sure that the committee will want to compare the advantages and disadvantages of the working relationships that were developed in order to arrive at the best solution. We also are sure that the waterfowl resources will benefit from prompt action by both the committee and Congress. Conservationists want the Congress to provide the authority to curb unwise drainage.

Mr. POAGE. Is there anyone else who would like to insert a statement in the record?

Mr. KIMBALL. My name is Thomas L. Kimball, executive director of the National Wildlife Federation and we should like to insert a statement in the record.

Mr. POAGE. Without objection, your statement will be made a part of the record at this point.

(The prepared statement of Mr. Kimball follows:)

STATEMENT OF THOMAS L. KIMBALL, EXECUTIVE DIRECTOR, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, the National Wildlife Federation appreciates the opportunity of commenting upon H.R. 8510 and H.R. 8520, relating to the drainage of wet lands.

The National Wildlife Federation is composed of 50 affiliates in 49 States and the District of Columbia. These affiliates and other supporters of the National Wildlife Federation number an estimated 2 million individuals, thus representing a fair cross section of the general public.

As a member of the Waterfowl Advisory Committee to the Secretary of the Interior, I recently had the opportunity to be briefed on the 1961 status of waterfowl using the continental flyways of North America.

I could give long and exceedingly detailed testimony attesting to the fact that waterfowl populations are at the lowest ebb in many years. In fact, last year for the first time since World War II ended, hundreds of thousands of duck hunters put away their guns, decoys, and boots primarily because certain seasons, bag limits, and shooting hours no longer justified the time and expense in participating in this great sport. The Interior Department has just been advised that duck stamp sales fell to 1,700,000 this past season. I am quite sure that prominent wildlife authorities would agree with the average duck hunter that major flights of waterfowl will dwindle to insignificance unless positive steps are taken soon to maintain a satisfactory population of this valuable renewable resource.

Meeting here in Washington, D.C., earlier this year, delegates to the annual convention of the National Wildlife Federation adopted a set of objectives of major conservation importance. The first of seven objectives so listed was the acquisition and preservation of waterfowl wet lands. This indicates how serious our organization views the present situation of migratory waterfowl.

There are two principal reasons for the present condition of waterfowl numbers. The first and most important is that the wetland habitat in the United States has been drastically reduced through drainage. It has been estimated that fully one-third of the suitable environment producing ducks and geese in the United States has already been lost and the remaining habitat is being lost at the rate of from 3 to 5 percent per year. This loss of essential production area is currently accentuated by severe drought conditions in the prairie pothole country of mid-America and in the prairie provinces of the Dakotas and western

Minnesota the previous years has produced approximately 70 percent of the total breeding populations of the United States.

The importance of this region becomes even more obvious when only those ducks important in the harvest are considered. For example, in 1956 approximately 80 percent of the mallards, 85 percent of the pintails, and 95 percent of the bluewing teal; 87 percent of the canvasback and 88 percent of the redheads were recorded within this relatively small area. As these species of ducks collectively make up approximately two-thirds of the total ducks which are harvested in the United States in an average year, the importance of the pothole environment in producing ducks cannot be overemphasized. Also within this area of extreme and critical importance to waterfowl production, great emphasis is placed upon federally subsidized farm drainage.

Mr. Chairman, a member of our staff, Mr. H. R. Morgan, resides in North Dakota. He is a former commissioner of the North Dakota Game and Fish Department. He recently completed a survey of two counties in North Dakota and developed information showing that subsidized drainage is practiced in the same areas where efforts are being made to preserve wet lands. I should like permission to attach a copy of this report for the record as exhibit A. The same type of information is available in a report prepared by the Branch of River Basin Studies, Bureau of Sport Fisheries and Wildlife, in March of this year.

Just let me state that every conscientious citizen is sympathetic to the present plight of the farmers. We are as anxious as other citizens of our country in seeking legislation which would insure receipt of an adequate income for his production from the land. Every citizen, however, is aware of the overproduction and storage problem of certain agriculture crops, particularly the small grains which are the principal crops raised in these prairie States so important to nesting waterfowl. It seems inconsistent to us that Congress appropriates funds to provide for both technical engineering assistance as well as actual drainage work in order to place wet lands into agricultural production to produce cereal grains already in surplus. The price of which must be supported with taxpayers' dollars and once produced must be stored at an additional tremendous expense to the taxpayer. All of this expense to produce a crop not needed at the expense of a crop of waterfowl which is in a critically short supply and in much demand by a considerable segment of the American citizenry.

This is one area of conflict to which the President referred in his natural resources message to the Congress earlier this year, and I quote the pertinent passage: "I am also hopeful that consistent and coordinated Federal leadership can expand our fish and wildlife opportunities without the present conflicts of agencies and interests: one department paying to have wet lands drained for agricultural purposes while another purchasing such lands for wildlife or waterfowl refuges. * * *"

Here is the situation as things now exist. Sportsmen contribute funds through duck stamp sales to acquire by lease or purchase suitable waterfowl wet lands which will remain under Federal control. Similar programs on the State level are financed by license sales or apportionments of Pittman-Robertson funds made possible through Federal excise taxes upon the sale of sporting arms and ammunition. In a nutshell, the waterfowl hunter pays for perpetuation of his sport. He, therefore, finds it more than inconsistent for general tax revenues, to which he also contributed as an individual, being used against himself.

It might be added here that the House already this year has approved of a measure which would advance funds to the Department of the Interior for the emergency acquisition of suitable wet lands, the loan to be repaid from the sale of duck stamps. This is encouraging but full benefits of the program cannot be realized unless subsidized drainage is stopped, as provided for by proposals under consideration here today.

We also are encouraged, Mr. Chairman, by a provision in the recently adopted agriculture appropriations bill which now permits Federal cost sharing for ACP practices of primary benefit to wildlife. One practice, G-3, permits construction of ponds or marshes for the production of waterfowl. So it now is possible for landowners to get 50 percent cost sharing to create wetlands, or 50 percent cost sharing to destroy wetlands, both with valuable Federal technical assistance. Presumably a single property owner could get both of the inconsistent services while, at the same time, having land held out of production in retirement.

In appealing for favorable consideration of these proposals, we are not choosing "ducks over farmers" as some people might accuse. Ducks are important only because of their value to people, and there are millions who enjoy these

resources in ways and means other than by hunting and so are not recorded in duck stamp sales. Neither is there any validity to the claim that a farmer-hunter controversy exists in this field. Farmers also hunt ducks. In fact, there probably are more hunters in the average farm family than in the average American household.

Might I also state that the National Wildlife Federation is not opposed to all types of drainage in the United States. There is under consideration by your committee these proposals that require the Bureau of Sport Fisheries and Wildlife to certify through the Department of Agriculture only those areas primarily valuable for waterfowl production. As mentioned previously, this would involve wetlands primarily located in the prairie pothole country of mid-America. This area is truly the duck factory of the United States and we plead with the committee to give every consideration to this valuable natural resource which can be preserved.

In conclusion, Mr. Chairman, we appreciate the fact that the Department of Agriculture has endorsed the principle expressed in these proposals. An agreement was worked out longer than a year ago whereby the Interior Department was invited to review and advise on proposed drainage projects in the area principally concerned. In a heavy majority of cases, however, local committees decided to go ahead with drainage projects despite damage to wildlife and despite efforts of the Interior Department to secure these areas. The only recourse appears to be this legislation.

Failure to act now could result in the death knell for the economically valuable waterfowl resource of our country.

We heartily endorse the principle of these proposals. Speaking of specific language, H.R. 8520 probably will require a greater early effort on the part of the Department of the Interior than would H.R. 8510. In either case, however, it must be clearly understood that the Interior Department will need additional personnel as well as time to complete the necessary survey work.

We appreciate this opportunity of appearing before the committee.

EXHIBIT A

SUBSIDIZED DRAINAGE BY USDA LOCATED ON OR ADJACENT TO POTHOLES PURCHASED UNDER THE SMALL WETLANDS ACQUISITION PROGRAM

Optioned tract

Subsidized drainage

All of sec. 7, T. 138 N., R. 66 W., Stutsman County.

Sec. 4, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, T. 141 N., R. 66 W., Stutsman County.

Sec. 19, SW $\frac{1}{4}$; sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 32; most of S $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$, T. 142 N., R. 66 W., Stutsman County.

Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ of sec. 24, T. 142 N., R. 67 W., Stutsman County.

Sec. 2, NW $\frac{1}{4}$; sec. 28, SW $\frac{1}{4}$; sec. 35, SE $\frac{1}{4}$; sec. 25, SW $\frac{1}{4}$ and sec. 36, NW $\frac{1}{4}$, all in T. 135 N., R. 66 W., La Moure County.

Sec. 30, S $\frac{1}{2}$ SW $\frac{1}{4}$ and sec. 31, NW $\frac{1}{4}$ in T. 134 N., R. 65 W., La Moure County.

Nine potholes drained in 1959 on T. 138 N., R. 66 W., sec. 7, Stutsman County.

Two potholes drained in 1956 on sec. 8, SW $\frac{1}{4}$ and Sec. 17, NW $\frac{1}{4}$, T. 141 N., R. 66 W.

Two potholes drained in 1957 on sec. 29, SE $\frac{1}{4}$, five potholes drained in 1954 on sec. 29, NE $\frac{1}{4}$; one drained in sec. 29, NW $\frac{1}{4}$ and one SE $\frac{1}{4}$, T. 142 N., R. 66 W.

In 1960 three potholes were drained in sec. 2, SE $\frac{1}{4}$, eight potholes drained in sec. 14, E $\frac{1}{2}$ and SW $\frac{1}{4}$, and four potholes were drained in sec. 24, NW $\frac{1}{4}$, all in T. 142 N., R. 67 W., Stutsman County.

In 1956 six potholes were drained in sec. 32, SW $\frac{1}{4}$. In 1958, twelve potholes were drained in sec. 14, N $\frac{1}{2}$. In 1959 one pothole was drained in sec. 1, SW $\frac{1}{4}$. In 1960 two potholes were drained in sec. 35, W $\frac{1}{2}$. All above drainage in T. 135 N., R. 66 W., La Moure County.

Six potholes drained in 1958 on sec. 32, NW $\frac{1}{2}$, three potholes drained in 1958 on sec. 12, E $\frac{1}{2}$ and three potholes drained in 1959 on sec. 32, SE $\frac{1}{4}$, all in T. 134 N., R. 65 W., La Moure County.

Mr. POAGE. Is there anyone else who would like to submit a statement?

Mr. PENFOLD. My name is J. W. Penfold, conservation director of the Izaak Walton League of America. We should like to insert a statement in the record.

Mr. POAGE. Without objection, your statement will be made a part of the record at this point.

(The prepared statement of J. W. Penfold follows:)

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR, THE IZAAK WALTON
LEAGUE OF AMERICA

Mr. Chairman, I am J. W. Penfold, conservation director of the Izaak Walton League of America. The league is a national membership organization dedicated to the conservation and wise use of the Nation's natural resource wealth—its soil, woods, waters, wildlife, and opportunity for wholesome outdoor recreation.

A matter of grave concern to us for many years has been the dwindling continental migratory waterfowl resource. The league was in the forefront of the effort to establish the duck stamp as a means to finance waterfowl refuges. It supported subsequent increases in the cost of the duck stamp to the individual hunter. It has supported necessary restrictions in waterfowl hunting seasons and bag limits. As citizens interested in waterfowl as a valuable resource whether hunted or not, we have supported all programs, Federal and State, to protect and perpetuate it.

Without repeating all the statistics, Mr. Chairman, it is abundantly clear that restraint on the part of the hunter and restrictions on his activities alone provide no assurance that the waterfowl resource will indeed be perpetuated. Without suitable habitat in which the birds can nest and produce new generations, there will be no birds—regardless of hunting seasons and bag limits.

It is evident that their essential habitat has been on the decline—drought conditions of the past few years have served primarily to emphasize that fact. Major cause of this loss is agricultural drainage—much of it carried on with the encouragement and technical and financial assistance from the Federal Government.

It is a strange paradox—as pointed out by the President in his natural resources message to the Congress earlier this year—that “* * * one department (is) paying to have wetlands drained for agricultural purposes while another is purchasing such lands for wildlife or waterfowl refuges * * *”

And there is another paradox. There have been over the past few decades a whole series of boards, commissions, and committees studying the Nation's water resources, the most recent being the comprehensive and compelling study made by the Senate select committee. All of them have agreed at least on the point that the Nation is faced with serious water supply problems and that we have the task of moving rapidly, comprehensively, and aggressively to solve them so as to meet the supply requirements of all the needs of the people.

But here we have a situation where the Federal Government itself is encouraging and subsidizing a program to create a permanent drought from the standpoint of waterfowl for which the people have a traditional and legitimate need.

It seems to us that the United States must be a long, long way from wanting or accepting a sound and comprehensive national water policy, if it refuses to face up to this water problem, first step in the solution of which is simple—just stop paying out funds to encourage drainage of wetlands primarily valuable for waterfowl production.

It can hardly be argued that this remedy might threaten future need for agricultural production. Lands not drained today can be drained any time their production is required.

In supporting this legislation, Mr. Chairman, we are not asking that all drainage programs cease or that the Department of Agriculture get out of the drainage business. We are simply asking that the public not be required to support with subsidies the drainage of specific wetlands which are essential to the perpetuation of an important public resource.

If this is done, the public will have at least a bit more leeway in time during which the basic minimum of wetland areas essential to waterfowl can be brought into permanent governmental protection.

We appreciate the privilege of presenting our views.

Mr. POAGE. Is there anyone else?

Mr. JANZEN. I am Daniel H. Janzen, Director of the Bureau of Sport Fisheries and Wildlife, Department of the Interior. I have a statement that has been presented to you. I would like to be heard at a later time or have an opportunity to submit a supplementary statement.

Mr. POAGE. We will give you permission to insert such a statement and to revise your statement. If we have further hearings we will be glad to hear you, but I think it would be wise for everybody who wants to do so, to put their statement in the record now.

Mr. JANZEN. Very well.

(The prepared statement of Mr. Janzen follows:)

STATEMENT OF DANIEL H. JANZEN, DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, U.S. DEPARTMENT OF THE INTERIOR

Our Department is very much interested in the objectives of H.R. 8510 and 8520 and similar proposed legislation under consideration here today. For more than 10 years the preservation of wetlands valuable for waterfowl has been the most serious and difficult problem of the Bureau of Sport Fisheries and Wildlife. As a result of treaties with Mexico and Canada and implementing statutes, migratory birds have been a responsibility of the Federal Government for over 40 years. During that period a nationwide system of Federal wildlife refuges has been established at considerable public expense to insure the preservation of a nucleus of breeding birds; but most of this effort will have been wasted if the remaining wetlands still in private ownership are converted to other use.

Wetlands are disappearing rapidly. Along our seacoasts and around our cities they are being either filled or drained for housing or industrial development. Throughout the United States, and especially in the Midwest, intensified efforts are being made to drain and reclaim them for agricultural crop production.

In the upper Midwest prairie section, the most important waterfowl breeding area in the United States, thousands of small potholes so desirable for breeding birds are being converted to, and improved for, the production of wheat and corn each year.

Congress has recognized the problem by enacting important wetland preservation legislation.

Three years ago, the Congress earmarked all duck stamp receipts for acquisition of wetlands by purchase or lease, and within the past month the House of Representatives passed a bill calling for an advance of \$150 million to be made available to the Secretary of the Interior over a 10-year period for this program.

We believe that with this current legislation our essential wetlands can be saved, but our program should not continue to be handicapped with a competing Federal program which acts to encourage the elimination of these same wetlands. The similar bills under consideration today should greatly relieve the situation.

We fully appreciate the grave responsibility placed upon us by this legislation. It involves a job of major proportions, but we consider it so important to the success of our overall wetland preservation program that there seems to be no alternative but to undertake this responsibility if Congress agrees this is desirable.

I would like to add that under no circumstances do we question the right of the landowner to drain his own land. The only question is whether Federal funds should be used to encourage him to do so if, in so doing, a valuable public natural resource is, at the same time, being destroyed. Neither are we, as a wildlife conservation agency, questioning all drainage assistance. We intend only to recommend the withholding of Federal assistance when material damage to wildlife is involved. This is how we interpret the language of the proposed legislation.

I hope this committee will give favorable consideration to legislation on this subject.

Mr. POAGE. Is there anyone else who wants to present a statement? If not, the committee will stand in recess.

(The following statement and letters were also submitted to the subcommittee:)

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D. C., August 22, 1961.

HON. WILLIAM POAGE,
*Chairman, Conservation and Credit Subcommittee,
House Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. POAGE: At the hearing held on August 18 on H.R. 8510, H.R. 8520, and other bills concerning drainage of wet lands, you indicated that I could expand my statement for the record since time did not permit my testifying on the bills.

There are two matters of considerable concern to us on which I would like to comment. Our first concern is with the time element. We are sure that the Department of Agriculture agrees with us that a program involving the drainage of wet lands, some of which form essential wildlife habitat, is a grave responsibility. The favorable statement of the Department's witness on H.R. 8520 indicates their appreciation of the problem. However, it was implied that it should be the responsibility of the Secretary of the Interior to have a recommendation regarding each application for drainage assistance read at the time the application is made. An inspection program covering all applications for drainage assistance under the Soil Conservation and Domestic Allotment Act, as amended, will be a tremendous job under the best of circumstances. To anticipate the nature of and to make prior inspection of all potential applications for drainage assistance would be an impossible task.

We believe the Department of Agriculture would agree that the interests of establishing long-term conservation at the least possible public expense would be better served by an alternate method. The most efficient use of funds and personnel would require that the Secretary of the Interior review specific applications for drainage assistance and report his findings to the Secretary of Agriculture within 90 days. The report of our Department would usually be available well in advance of that time.

The subcommittee expressed some interest in a suggestion that the act be amended to set up a definition of wet lands valuable to wildlife which would be satisfactory to all concerned under all conditions. The problem of developing such criteria has plagued the two Departments for years, and actually our inability to establish precise criteria for wetland values is in a large part what has caused the subject legislation to be introduced. The varying requirements of wildlife, particularly waterfowl, at various times of the year, in different latitudes are a complicated picture at best. When the tremendous variability of water supply in many parts of the country is considered, a further complexity is added.

While we believe that the job is one that calls for an expert appraisal, we also recognize the need for guiding principles. For example, we suggest, and we believe the Department of Agriculture would agree, that wet lands of various types and descriptions similar to those for which we consistently make offers, either for purchase or lease, under our acquisition program, are of sufficient value to wildlife that a recommendation for denial of assistance is warranted.

We are no more anxious to withhold drainage assistance from farmers, where such drainage will not adversely affect wildlife, than is the Department of Agriculture. On the other hand, the Department of Agriculture has supported our Department's position that assistance should not be made available to aid in destroying areas that are of value to wildlife. With review of projects as contemplated by this measure, and with judicious appraisal of the wetland values involved, we see no reason to anticipate that our Department would deny assistance in any case except where significant wildlife values exist. The Department of Agriculture has many times gone on record supporting this position and has done so in their statement on this bill.

Sincerely yours,

D. H. JANZEN, *Director.*

TESTIMONY OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS COMMITTEE
ON NATURAL RESOURCES

Mr. Chairman, I am Dr. Spencer M. Smith, Jr., Secretary of the Citizens Committee on Natural Resources. Our committee is a national conservation organization with offices in Washington, D.C.

We should like to strongly endorse H.R. 8520 and similar measures now before the committee. In this session of the Congress the House Committee on Merchant Marine and Fisheries passed H.R. 7391 and the Senate Committee on Interstate and Foreign Commerce favorably reported essentially the same measure. These bills were emergency measures designed to acquire the necessary wetlands areas to conserve our waterfowl. At one time there were approximately 127 million acres of wet lands in the United States. Now only 22½ million significantly serve our migratory waterfowl. Ecologists and biologists tell us that a minimum of 12½ million acres are needed if all the present known species of waterfowl are to survive. There have been heroic attempts, through the sale of duck stamps to hunters, to acquire these necessary wet lands. The revenue from these sales has been about \$5 million a year. The just-mentioned House and Senate action represents an attempt to supplement the moneys received from duck stamp sales in order to purchase sufficient wet lands before they go out of existence.

What might seem to be a rather lengthy analysis of measures not before this committee is to suggest the inconsistency of having a crash emergency program to effect acquisition of sufficient waterfowl habitat on the one hand and on the other have concomitant legislation that would cause the drainage of wet lands. Competition is perhaps the essence of private business in the United States, but it does not necessarily follow that one branch of the Government should be valiantly competing with another branch for existing lands. It would appear that H.R. 8520 and similar measures before the committee would bring the Soil Conservation and Domestic Allotment Act in agreement with the wetland acquisition program.

As the Soil Conservation and Domestic Allotment Act stands at the present time, there is incentive for the drainage of some wet lands. In short, this would accelerate wetlands disappearance, since it would add another factor to the many other circumstances that have been causing this disappearance in the past years.

Certainly the future for waterfowl in the North American Continent will be difficult at best. Increasing population pressures are manifested in more lands for roads, water supply areas for reservoirs, and city extensions complete with commercial and residential development, will undoubtedly continue to take their toll. If careful management and vigorous action on behalf of preserving habitat for waterfowl is not undertaken immediately, serious losses will come as a necessary consequence of the events just mentioned.

The committee is therefore urged to favorably consider H.R. 8520 and related bills since it is our belief that it was not the intent of the Soil Conservation and Domestic Allotment Act to accelerate the drainage of these needed wet lands.

NATIONAL AUDUBON SOCIETY,
New York, August 17, 1961.

Hon. W. R. POAGE,
Chairman, Subcommittee on Conservation, House Committee on Agriculture,
House Office Building, Washington, D.C.

DEAR MR. POAGE: The National Audubon Society, which has a nationwide membership and more than 300 local branches and affiliates, recommends favorable consideration by your subcommittee of H.R. 8510, H.R. 8520, or one of the similar bills introduced by Congressmen Saylor, Dingell, Zablocki, Kastenmeier, Sikes, and perhaps others.

We believe the Federal assistance for drainage which benefits relatively few farmers in a few States is unwise when it damages and threatens the continental waterfowl resource which is important to and used by millions of citizens throughout the Nation.

Grave questions also can be raised about the advisability of draining surface water out of a region that is frequently subject to serious drought.

We believe the proposed legislation would be more effective if it provided that the Secretary of the Interior would prescribe certain criteria for potholes and marshes that should be preserved and conditions under which the Secretary of Agriculture would not enter into contracts for drainage assistance."

Sincerely yours,

CHARLES H. CALLISON,
Assistant to the President.

(Whereupon, at 11:15 a.m. the committee adjourned.)



LEGISLATIVE HISTORY

Public Law 87-732 H. R. 8520

Aug. 7, 1961 House, Johnson (Wash.), Bellmon, Rostenkowski, and others introduced H. R. 8520, H. R. 8521, H. R. 8522, and H. R. 8523 which were referred to the Committee. Title of bill as introduced and reports of Rep. Johnson.

Aug. 14, 1961 H. R. 8520 was referred to the Senate Agriculture and Forestry Committee. Title of bill.

Aug. 25, 1961 House committee voted to report H. R. 8520.

Aug. 30, 1961 House committee voted to report H. R. 8520.

Sept. 1, 1961 Senate committee reported H. R. 8520 with amendments. S. Report No. 1100. Title of bill and report.

Sept. 12, 1961 House passed H. R. 8520 with amendments.

Sept. 13, 1961 H. R. 8520 was referred to the Senate Agriculture and Forestry Committee. Title of bill as received.

June 12, 1961 Sen. McCarthy and Humphrey announced H. R. 8520 was referred to the Senate Agriculture and Forestry Committee. Title of bill.

TABLE OF CONTENTS

Aug. 1, 1961 Senate committee voted to report H. R. 8520.

Aug. 2, 1961 Senate committee reported H. R. 8520 with amendments. S. Report No. 1105. Title of bill and report.

Aug. 3, 1961 Senate passed H. R. 8520.

Aug. 23, 1961 Senate passed H. R. 8520 as reported.

Sept. 12, 1961 House committee voted to accept House amendments to H. R. 8520.

Sept. 15, 1961 House concurred in Senate amendments to H. R. 8520.

Oct. 2, 1961 Approved. Public Law 87-732.

Index and summary of H. R. 8520	1
Digest of Public Law 87-732	2

LEGISLATIVE HISTORY

H. R. 8520
Public Law 87-732

TABLE OF CONTENTS

Index and summary of H. R. 8520	1.
Digest of Public Law 87-732	2.

INDEX AND SUMMARY OF H. R. 8520

- Aug. 7, 1961 Reps. Johnson (Wisc.), Zablocki, Kastenmeier, and Sikes introduced H. R. 8520, H. R. 8521, H. R. 8522, and H. R. 8523 which were referred to the House Agriculture Committee. Prints of bills as introduced and remarks of Rep. Johnson.
- Aug. 14, 1961 Sen. Metcalf introduced S. 2417 which was referred to the Senate Agriculture and Forestry Committee. Print of bill.
- Aug. 25, 1961 House subcommittee voted to report H. R. 8520.
- Aug. 30, 1961 House committee voted to report H. R. 8520.
- Sept. 1, 1961 House committee reported H. R. 8520 with amendments. H. Report No. 1106. Print of bill and report.
- Sept. 12, 1961 House passed H. R. 8520 with amendments.
- Sept. 13, 1961 H. R. 8520 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.
- June 12, 1962 Sens. McCarthy and Humphrey introduced S. 3400 which was referred to the Senate Agriculture and Forestry Committee. Print of bill.
- Aug. 1, 1962 Senate committee voted to report H. R. 8520.
- Aug. 2, 1962 Senate committee reported H. R. 8520 with amendments. S. Report No. 1805. Print of bill and report.
- Aug. 8, 1962 Senate passed over H. R. 8520.
- Aug. 23, 1962 Senate passed H. R. 8520 as reported.
- Sept. 12, 1962 House committee voted to accept Senate amendments to H. R. 8520.
- Sept. 18, 1962 House concurred in Senate amendments to H. R. 8520.
- Oct. 2, 1962 Approved: Public Law 87-732.

INDEX AND SUMMARY OF H. R. 8520

Oct. 2, 1962	Approved: Public Law 87-732.	
Sept. 18, 1962	House concurred in Senate amendments to H. R. 8520.	
Sept. 12, 1962	House committee voted to accept Senate amendments to H. R. 8520.	
Aug. 23, 1962	Senate passed H. R. 8520 as reported.	
Aug. 8, 1962	Senate passed over H. R. 8520.	
Aug. 2, 1962	Senate committee reported H. R. 8520 with amendments. S. Report No. 1805. Print of bill and report.	
Aug. 1, 1962	Senate committee voted to report H. R. 8520.	
June 12, 1962	Sens. McCarthy and Humphrey introduced S. 3600 which was referred to the Senate Agriculture and Forestry Committee. Print of bill.	
Sept. 13, 1961	H. R. 8520 was referred to the Senate Agriculture and Forestry Committee. Print of bill as referred.	
Sept. 12, 1961	House passed H. R. 8520 with amendments.	
Sept. 1, 1961	House committee reported H. R. 8520 with amendments. H. Report No. 1106. Print of bill and report.	
Aug. 30, 1961	House committee voted to report H. R. 8520.	
Aug. 25, 1961	House subcommittee voted to report H. R. 8520.	
Aug. 14, 1961	Sen. Metcalf introduced S. 3417 which was referred to the Senate Agriculture and Forestry Committee. Print of bill.	
Aug. 7, 1961	Reps. Johnson (Wis.), Zablocki, Kastenmeier, and Sikes introduced H. R. 8520, H. R. 8521, H. R. 8522, and H. R. 8523 which were referred to the House Agriculture Committee. Prints of bills as introduced and remarks of Rep. Johnson.	

DIGEST OF PUBLIC LAW 87-732

LIMITATION ON WETLANDS DRAINAGE ASSISTANCE. Prevents the Secretary of Agriculture from providing financial or technical assistance for wetland drainage on any farm in South Dakota, North Dakota, and Minnesota if the Secretary of the Interior makes and files with the Secretary of Agriculture, within ninety days after the application of the landowner for drainage assistance, a finding that wildlife preservation would be materially harmed on that farm by such drainage, and that preservation of such land in its undrained status will materially contribute to wildlife preservation.

87TH CONGRESS
1ST SESSION

H. R. 8520

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1961

Mr. JOHNSON of Wisconsin introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:

6 “(c) The Secretary of Agriculture shall not enter into
7 an agreement to provide financial or technical assistance for
8 wetland drainage on a farm under authority of this Act, if
9 the Secretary of the Interior has made a finding that wildlife

1 preservation will be materially harmed on that farm by such
2 drainage and such finding, identifying specifically the farm
3 and the land on that farm with respect to which the finding
4 was made, has been filed with the Secretary of Agriculture.”

87TH CONGRESS
1ST SESSION
H. R. 8520

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

By Mr. JOHNSON of Wisconsin

August 7, 1961

Referred to the Committee on Agriculture

87TH CONGRESS
1ST SESSION

H. R. 8521

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1961

MR. ZABLOCKI introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:

6 “(c) The Secretary of Agriculture shall not enter into
7 an agreement to provide financial or technical assistance for
8 wetland drainage on a farm under authority of this Act,
9 if the Secretary of the Interior has made a finding that

1 wildlife preservation will be materially harmed on that farm
2 by such drainage and such finding, identifying specifically
3 the farm and the land on that farm with respect to which
4 the finding was made, has been filed with the Secretary of
5 Agriculture.”

87TH CONGRESS
1ST SESSION

H. R. 8521

A BILL

To amend the Soil Conservation and Domestic
Allotment Act, as amended, to add a new
subsection to section 16 to limit financial and
technical assistance for drainage of certain
wetlands.

By Mr. ZABLOCKI

AUGUST 7, 1961

Referred to the Committee on Agriculture

87TH CONGRESS
1ST SESSION

H. R. 8522

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1961

Mr. KASTENMEIER introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:

6 “(c) The Secretary of Agriculture shall not enter into
7 an agreement to provide financial or technical assistance
8 for wetland drainage on a farm under authority of this Act,
9 if the Secretary of the Interior has made a finding that wild-

1 life preservation will be materially harmed on that farm
 2 by such drainage and such finding, identifying specifically
 3 the farm and the land on that farm with respect to which
 4 the finding was made, has been filed with the Secretary
 5 of Agriculture.”

87TH CONGRESS
 1ST SESSION

H. R. 8522

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

By Mr. KASTENMEIER

AUGUST 7, 1961

Referred to the Committee on Agriculture

87TH CONGRESS
1ST SESSION

H. R. 8523

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1961

Mr. SIKES introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act, as
4 amended, is further amended by adding at the end of sec-
5 tion 16 thereof the following new subsection:

6 “(c) The Secretary of Agriculture shall not enter into
7 an agreement to provide financial or technical assistance for
8 wetland drainage on a farm under authority of this Act, if
9 the Secretary of the Interior has made a finding that wild-

1 life preservation will be materially harmed on that farm
 2 by such drainage; and such finding, identifying specifically the
 3 farm and the land on that farm with respect to which the
 4 finding was made, has been filed with the Secretary of
 5 Agriculture.”

87TH CONGRESS
1ST SESSION

H. R. 8523

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

By Mr. SIKES

AUGUST 7, 1961

Referred to the Committee on Agriculture

Mr. Six, president of Continental Airlines, was in constant attendance at the scene and was in contact with the administration, the FAA, the local law enforcement agencies and his own employees aboard the aircraft during the 9-hour siege. In my opinion, Mr. Six should be most pleased with the conduct of his employees and should be personally congratulated for the responsibility and determination which he, as the chief executive officer of the company, showed during the crisis.

The members of the crew who were involved in this fine feat were as follows: Byron D. Richards, captain; G. L. Wagner, first officer; Norm Simmons, second officer; Lou Finch, director passenger service; Lois Carnagey, hostess; and Tonie Besset, hostess.

Certainly all members of the aviation industry should be proud of the way Continental handled this terrible problem and airline passengers everywhere can take heart in the reassertion of the airlines high feeling of responsibility and devotion to duty as shown on this occasion.

(Mr. ROGERS of Colorado asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, I wish to join with my Colorado colleagues, Congressmen ROGERS, CHENOWETH, and DOMINICK, in a word of commendation to Continental Air Lines and its president Bob Six for the fine manner in which they handled the attempted hijacking of Continental's plane at El Paso last week. When I heard that Mr. Six had gotten in touch with the President of the United States and then followed explicitly the wishes of the President in the matters surrounding the attempted holdup, I was very pleased. My congratulations to Continental and its personnel.

FACTS ABOUT THE FOREIGN AID PROGRAM

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to extend his remarks in the RECORD.)

Mr. PASSMAN. Mr. Speaker, I am placing in the RECORD, as an extension of my remarks, a recapitulation of the funds on hand to the credit of the mutual security program as of June 30, 1961, in the amount of \$5,443 million. Most of this money is to pay for long-range programs and projects now in progress and under construction.

Foreign aid projects and programs presently are on a 5-year planning basis, or for even longer. Those are the instructions that go out to the field, and that is the basis for handling these operations.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Michigan.

Mr. FORD. I want to compliment the gentleman from Louisiana on the very fine job he did yesterday.

Mr. PASSMAN. I thank the gentleman very much.

Mr. Speaker, as chairman of the Foreign Operations Subcommittee on Appropriations, I feel that I have a responsibility to provide the membership with some documented facts about the foreign aid program.

If the executive branch succeeds in getting a portion of the foreign aid program on the Treasury back-door financing basis, the Congress then would for all practical purposes surrender control of the purse strings. If the proposed legislation is approved:

First. The executive branch would no longer have to justify funds for the development financing program. Rather, the legislative branch would have to show sufficient cause for making any reduction. It would require an act of Congress to reduce the amount of the borrowing authorization.

Second. The executive witnesses admit that once given this authority, they do not expect the Congress to attempt to take it back.

Third. The administration could, directly or indirectly, commit the entire \$8.8 billion during the first fiscal year of the authorization, and these commitments, based upon the inaccurate estimates of cost of the program in the past, could lead to a further request of double or triple the present amount to bring the programs to completion.

Fourth. In effect, the executive could commit this country to the entire amount before the Congress knew to what countries, to what programs, or to what projects the funds would go.

Fifth. The executive prefers not to refer to the program as a loan program, but rather as a development financing program. Most of the funds would be advanced on a 50-year-term basis, without interest, and with a 10-year grace period before any repayments are required.

Sixth. The administration refers to this as a 5-year program, but since there would be no substantial repayments on the loans for 10 years, it is possible there would be a similar request after the first 5 years. Since high officials of the administration admit that this could be a 30-year program, how far afield could we go before it crushes our own economy, already strained by excessive spending and deficit spending?

Seventh. The administration proposes backdoor spending only on approximately one-third of the total annual aid cost. However, the executive witnesses are frank in stating they expect other portions of the program to be shifted to the new back-door-spending approach. As each year passes, Congress would lose control over more and more phases of the program.

So unfirm have been the estimates in the past, and so uncertain the actual need, that even after the Congress reduced the executive's requests in the past 6 years by \$4½ billion, the Congress still appropriated so much in excess of needs that the cumulative unobligated balances for the same period exceeded \$1½ billion.

The Executive witnesses admit that they do not anticipate better programs

or better projects, but the need is for long-term financing. They state that some nations hesitate to enter into needed self-reforms because they could not trust America to fulfill its commitments.

Beautiful phrases, carefully worded reports, claims and executives courtesies cannot change the facts, as above indicated. The record of the hearings thus far held by our subcommittee documents the facts I have presented.

The recapitulation sheet which I am extending in the RECORD indicates the latest estimate of unobligated and unexpended funds on hand June 30, 1961.

Foreign Operations Subcommittee on Appropriations (foreign-aid funds, by program and amount on hand unexpended, June 30, 1961)

Military assistance-----	\$2,519,643,000
Defense support-----	673,491,000
Development loan fund-----	1,488,758,000
Development assistance-----	36,632,000
Special assistance-----	207,171,000
President's Asian fund-----	50,757,000
President's contingency fund-----	252,106,000
Technical cooperation, bilateral-----	155,068,000
Technical cooperation, United Nations-----	12,900,000
Technical cooperation, Organization of American States-----	1,201,000
Atoms for peace-----	6,959,000
Intergovernment Commission for European Migration-----	5,615,000
U.N. Refugee Fund-----	800,000
Escapee program-----	4,490,000
U.N. Children's Fund-----	8,542,000
U.N. Relief and Works Agency-----	9,274,000
Ocean freight-----	588,000
NATO science program-----	
Administrative expense, ICA-----	8,494,000
Administrative expense, State-----	923,000
Grand total-----	5,443,412,000
Unexpended funds on hand June 30, 1961-----	5,443,412,000
Unexpended funds on hand June 30, 1960-----	4,713,665,000

Increase in unexpended funds during last fiscal year----- 729,747,000

The SPEAKER. The time of the gentleman from Louisiana has expired.

AMERICA

(Mr. JONES of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Missouri. Mr. Speaker, I would like to call attention to a splendid article which appeared in yesterday's issue of the Sunday Star, written by Dr. Frederick Brown Harris, Chaplain of the U.S. Senate. The title of this article on the editorial page is "Who Sends the Worst?" in which Dr. Harris says among other things:

Somebody is selling America down the river. Somebody is exporting America's worst. In pictures and plays sent abroad, the image of this sweet land of liberty displayed before the eyes of the multitudes is

not only that of the "ugly American," but also of a depraved America.

In closing the article, he states:

Who among us for personal gain is engaging in such traitorous practices as they interpret liberty as license to betray? Whoever they are, the spiritual descendants of Judas who for the lure of 30 pieces of silver multiplied by millions are dealing in lewd pictures of America at its worst.

When the world depends for its future so largely upon America's best, it is being maliciously shown America's worst. God forgive them, for they know not what they do.

I hope all Americans will read this article which appeared in the Washington Sunday Star of yesterday. I do not intend to ask permission to insert the article because I am sure some Member of the other body has made this request.

THE EFFECT OF DRAINAGE PROJECTS ON AMERICA'S WILDLIFE

(Mr. JOHNSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I have today introduced legislation to cover the situation brought up last Thursday when the agriculture bill was before the House. Three others of our colleagues have also introduced legislation along that line—they are the gentleman from Wisconsin [Mr. ZABLOCKI], the gentleman from Wisconsin [Mr. KASTENMEIER], and the gentleman from Florida [Mr. SIKES].

Mr. Speaker, this legislation would deny cost-sharing and technical assistance to farmers for drainage projects which the Department of Interior consider to be materially harmful to wildlife habitat.

Prior determinations of the specific areas of the farm where this would be so must be made by the Department of the Interior and notice thereof filed with the Department of Agriculture in order for the legislation to apply.

Present requirements of law do not permit the Secretary of Agriculture to direct the withholding of cost-sharing assistance from drainage projects merely because they adversely effect wildlife.

The Department of the Interior is carrying out a program for the acquisition of wildlife resources. This legislation will strengthen that program.

The Department of the Interior already has authority to offer lease or purchase arrangements to the farmer whom this legislation deprives of assistance in improving the agricultural use of the wet land area of his farm.

FORESTRY RESEARCH

(Mr. McINTIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINTIRE. Mr. Speaker, like many of my colleagues, I follow with deep interest the development and utilization of our forest resources. As a member of the House Committee on Agriculture for the past 10 years, I have been closely associated with legislation

relating to the forest industry and the U.S. Forest Service. In my own State of Maine, the management and utilization of forest land involves one of the greatest resources of the Pine Tree State.

A sound research program is vital to preservation and wise use of these resources. It is recognized by Congress that our forest areas can attain their maximum service to the people if management is based on the multiple use principle.

In order to develop the skills essential to the protection, management, and utilization of our forest resources, we depend on our forestry schools for academic and technical training. The place of the schools of forestry is already established. These schools are a vital part of the high level of competence in the science of forestry already attained in this country. Graduates are found in every aspect of our forestry economy. The purpose of the legislation which I am proposing is to build an even stronger competency in this field.

The bill authorizes such sums as the Congress may wish to appropriate to be used to assist accredited State schools of forestry in expanding forestry research. These funds would be administered by the Secretary of Agriculture, but it is understood that the U.S. Forest Service would, of course, be the agency in the Department to which the administrative functions would be assigned. A program of research would be developed by the State forestry school. Federal funds would be matched on an equal basis. These matching funds would come from State or private sources. A national advisory board of not less than five officials of eligible State institutions would be chosen by a majority of those institutions. In making apportionments, consideration would be given to pertinent factors, including areas of non-Federal commercial forest land and volume of timber cut annually from growing stock. Research would be directed to all problems related directly to the production, protection, and utilization of our forest resources.

I believe that this legislation is a constructive step in assuring this country of a stronger program of forestry research. It would also strengthen our schools of forestry upon which this country depends for the training of those who will manage these resources in the future.

CORRECTION OF RECORD

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to correct the RECORD of July 27 and August 3 in the following particulars:

July 27, page 12780, top of column 3, fourth line, should read:

The Department found an effective way to stay within that limit, at least closer than the 5-million-acre feed grain discrepancy. I would point out that the taxpayers of the United States have a considerable stake in this discrepancy. If there is a phantom acre situation to the extent of 5 million acres, they have paid out \$160 million for nothing.

August 3, page 13546, column 1, seventh line, should read:

Mr. FINDLEY. We heard today a number of statements in eloquent and proper words

protesting the invasion of American rights at the hands of Castro's airplane hijackers. I think it ought to be remembered that the liberty of the American people—including the American farmers—can be invaded very subtly but very substantially by the American Government itself.

Remainder without error.

The SPEAKER. Without objection, the corrections will be made accordingly. There was no objection.

ANNUAL REPORT, OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:
I transmit herewith, for the information of the Congress, the Annual Report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1960.

JOHN F. KENNEDY.

The WHITE HOUSE, August 7, 1961.

THE CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the calendar.

LIMIT PRIORITY AND NONDISCHARGEABILITY OF TAXES

The Clerk called the bill (H.R. 4473) to amend the Bankruptcy Act with respect to limiting the priority and nondischargeability of taxes in bankruptcy.

Mr. GROSS. Mr. Speaker, reserving the right to object, this is the first of three or four bills on the calendar today dealing with bankruptcy. I wonder if someone interested in this legislation can tell me whether these changes in the law are made necessary by reason of the increase of bankruptcies in this country?

Mr. FORRESTER. I do not think the increase of bankruptcies is of any materiality in connection with this particular legislation; as a matter of fact, the bill presently before us more or less recognizes the fact that the Government has moved into the tax field to an extent that has never existed before in our history.

Mr. GROSS. I do not care to prolong this. I remember earlier in this session in one of the appropriation bills the funds for the bankruptcy courts was substantially increased. We now see these bills coming on, and I wondered if there were any connection. I do know bankruptcies in this country are increasing, which ought to be notice to the Members of the Congress of the United States that it is about time to stop profligate spending on unessential enterprises of one kind and another. That is the point I wanted to make and the reason for my reserving the right to object to this bill.

87TH CONGRESS
1ST SESSION

S. 2417

IN THE SENATE OF THE UNITED STATES

AUGUST 14, 1961

Mr. METCALF introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act, as
4 amended, is further amended by adding at the end of section
5 16 thereof the following new subsection:

6 “(c) The Secretary of Agriculture shall not enter into
7 an agreement to provide financial or technical assistance for
8 wetland drainage on a farm under authority of this Act, if
9 the Secretary of the Interior has made a finding that wildlife

1 preservation will be materially harmed on that farm by such
 2 drainage and such finding, identifying specifically the farm
 3 and the land on that farm with respect to which the find-
 4 ing was made, has been filed with the Secretary of Agricul-
 5 ture.”

87TH CONGRESS
 1ST Session

S. 2417

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

By Mr. METCALF

AUGUST 14, 1961

Read twice and referred to the Committee on
 Agriculture and Forestry

August 25, 1961

which the food resources of this Nation are being used in order to strengthen American foreign policy, help underdeveloped countries, and relieve human suffering." pp. 15931-2

10. FOREIGN AID. Sen. Sparkman inserted an article by the chairman of the Foreign Policy Clearing House, "Foreign Aid Fallacies and Facts." pp. 16029-30
 11. VETERANS' BENEFITS. As reported (see Digest 137), S. 349, the proposed Veterans' Readjustment Assistance Act of 1961, includes provisions as follows:
Provides educational or vocational training assistance, including on-the-job and institutional on-farm training pursued on a full-time basis, to veterans who have served on active duty between Jan. 31, 1955, and July 1, 1963, for a period of more than 180 days, and have been discharged under conditions other than dishonorable. Benefits would be determined by multiplying $1\frac{1}{2}$ times each day of active military service up to a maximum of 36 months.
Provides that veterans who have served on active duty between Jan. 31, 1955, and July 1, 1963, for a period of more than 180 days, and have been discharged under conditions other than dishonorable, shall be eligible for VA guarantee loans and direct loans for the purpose of purchasing homes, including homes on farms, and farmlands, livestock, machinery, etc., to be used in farming operation conducted by the veteran. Loans would be made by banks or other lending institutions with the Government guaranteeing 60 percent of a loan for residential real estate, or 50 percent of other real estate loans, with guaranty not to exceed \$7,500 for real estate home loans or \$4,000 for other real estate loans. Loans on farm realty would have maturities up to 40 years. In certain rural areas, the VA is now authorized to lend up to \$15,000 directly to the veteran when private capital is not available for a guaranty loan.
Provides for vocational rehabilitation training for veterans with a service-connected disability of 10 percent or more arising from active military service either between the end of World War II (July 25, 1947) and the beginning of the Korean conflict (June 27, 1950), or subsequent to the end of the Korean conflict (Jan. 31, 1955).
 12. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the following bills have been scheduled for consideration this week: S. 174, the wilderness preservation bill; H. R. 2010, the Mexican farm labor bill; H. R. 7391, conservation of migratory waterfowl; S. 543, preservation of shoreline areas; and H. R. 2883, defense of suits against Federal employees arising from their operation of motor vehicles in the scope of their employment. pp. 16033, 15997-8
 13. ADJOURNED until Mon., Aug. 28. p. 16034
- HOUSE
-
14. CONSERVATION. The Subcommittee on Conservation and Credit of the Agriculture Committee voted to report to the full committee with amendments H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands when such drainage will be harmful to wildlife. p. D769
 15. FARMS LOANS. The Subcommittee on Conservation and Credit of the Agriculture Committee voted to report to the full committee S. 1927, to make a number of amendments to simplify and clarify the operations of institutions supervised by FCA. p. D769
 16. FARM MORTGAGE CORPORATION. The Subcommittee on Conservation and Credit of the Agriculture Committee voted to report to the full committee S. 1040, to abolish the Federal Farm Mortgage Corporation. p. D769

ITEMS IN APPENDIX

17. SEASHORES. Extension of remarks of Sen. Yarborough discussing his bill S. 4, to provide for the establishment of the Padre Island National Seashore, and inserting an article, "Tolbert: The Poop on Padre Island." pp. A6697-8
18. EXPORTS. Extension of remarks of Rep. Pelly supporting H. Res. 403, to create a select committee to conduct an investigation of the administration, operation, and enforcement of the Export Control Act of 1949, and saying, "I am at loss to understand why the administration is allowing the export from the United States of materials that seem to me to be of great strategic military value to the Sino-Soviet bloc." p. A6698
19. WILDLIFE. Extension of remarks of Sen. Wiley inserting an article, "Wisconsin's Outdoor Laboratories--Preservation of Our Scientific Areas Is Vital to Human Welfare--They Include Virgin Landscape in Which Rattlesnakes Are as Welcome as Songbirds." pp. A6700-1

BILLS INTRODUCED

20. HONEY. S. 2472, by Sen. McCarthy (for himself and Sen. Humphrey), to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Act of 1937), as amended, with respect to honey; to the Agriculture and Forestry Committee. Remarks of Sen. McCarthy. p. 15927-8
21. INDUSTRIAL AGENTS. S. 2467, by Sen. Humphrey, to improve commerce and industrial development through the establishment of a county industrial agent program; to the Commerce Committee.
22. PERSONNEL. S. 2468, by Sen. Johnston, to increase annuities under the Civil Service Retirement Act; to the Post Office and Civil Service Committee.

-0-

COMMITTEE HEARINGS ANNOUNCEMENTS:

Aug. 28: Foreign aid authorization bill, conferees (exec).
Foreign aid appropriations, S. Appropriations (exec).

oOo

August 30, 1961

the general education bill on Thurs., and the Mexican farm labor bill on Fri. He stated that Congress might be able to adjourn sine die "by the 14th or 15th of September, but my guess would be we will finish closer to the 1st of October!" pp. 16378-9

HOUSE

15. FOREIGN AID. Received the conference report on S. 1983, the foreign aid authorization bill (H. Rept. 1088) (pp. 16510-32). As reported by the conferees, this bill includes the following provisions:

Establishes a development loan fund for use in making loans to underdeveloped nations and authorizes the appropriation of \$1.2 billion in fiscal year 1962 and up to \$1.5 billion in each of the next 4 fiscal years for this new development loan program.

Authorizes \$380 million for fiscal year 1962 for development grants and technical cooperation for aiding underdeveloped nations.

Exempts from the 50-50 cargo preference shipping requirements (for shipments on U. S. Flag vessels) the transportation between foreign countries of goods purchased with foreign currencies acquired under this bill or under Public Law 480 and exempts the shipment of fresh fruits and their products under this bill.

Prohibits use of funds authorized by the bill for the purchase of bulk commodities at prices higher than the prevailing market price in the U. S., adjusted for differences in transportation costs, quality, and terms of payment.

Requires that insofar as practicable surplus agricultural commodities to be furnished on a grant basis must be bought only in the U. S. except to the extent that they are not available here in sufficient quantities to meet emergency conditions.

Provides that, with respect to development loans, development grants and supporting assistance, funds in excess of \$100,000 cannot be obligated until engineering, financial, and other plans necessary to carry out the project have been completed and there is a reasonably firm estimate of the cost of the project to the U. S., and, in the case of water or related land resource construction project, plans must include a computation of benefits and costs made insofar as practicable in accordance with Budget Bureau procedures for such projects in the U. S.

Provides that the Secretary of the Treasury shall have responsibility for accounting and valuation with respect to foreign credits and foreign currencies owed to or owned by the U. S. and, in carrying out this responsibility, the Secretary shall issue regulations binding upon all agencies of the Government. Gives the Secretary sole authority to establish the exchange rates at which all foreign currencies or credits are to be used by all Government agencies. Requires each Government agency to report to the Secretary of the Treasury an inventory as of June 30, 1961, showing all foreign currencies on hand, and similar reports semiannually thereafter, for use of the Secretary in preparing consolidated reports to Congress.

Includes administrative provisions for carrying out the provisions of the bill, and provides for the repeal of the provisions of the Mutual Security Act of 1954, as amended, except for certain specified sections.

16. EDUCATION. By a vote of 170 to 242, the House refused to consider H. R. 8890, to amend Public Law 815 and Public Law 874, 81st Congress, so as to extend provisions for Federal assistance for schools in federally impacted areas an additional year, and to extend for 1 year the student loan program of title II of the National Defense Education Act of 1958. pp. 16452-3

Reps. Hiestand, Seely-Brown, Mathias, and Lindsay condemned present consideration of this bill. pp. 16508, 16509-10

17. WATERSHEDS. The Public Works Committee reported with amendments H. R. 3801, to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress (H. Rept. 1083). p. 16534
The Agriculture Committee approved two watershed projects--Big Reedy Creek, Ky.; and Cane Creek, Tenn. p. D787
18. FARM CREDIT. The Agriculture Committee voted to report (but did not actually report) S. 1927, to make a number of amendments to simplify and clarify the operations of institutions supervised by FCA, and (with amendments) S. 1040, to abolish the Federal Farm Mortgage Corporation. p. D787
19. LANDS. The Agriculture Committee voted to report (but did not actually report) S. 302, to authorize the appropriation of an additional \$2 million for the purchase of land within the boundaries of the Superior National Forest, Minn.; H. R. 4934, to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas; and (with amendments) H. R. 8520, to limit financial and technical assistance for drainage of certain wet lands. p. D787
20. WHEAT. The Agriculture Committee voted to report (but did not actually report) with amendments S. 1107, to exempt the production of durum wheat in portions of Modoc and Siskiyou Counties, Calif. (Tulelake area), from acreage allotments and marketing quota restrictions. p. D787
21. POULTRY. The Agriculture Committee voted to report (but did not actually report) H. R. 7866, to amend the Poultry Products Inspection Act to extend the application thereof to the Commonwealth of Puerto Rico. p. D787
22. GENERAL SUPPLY FUND. The Subcommittee on Government Activities of the Government Operations Committee voted to report to the full committee H. R. 8099, to remove the limitation on the maximum capital of the General Supply Fund." p. D787
23. PERSONNEL. Received from Interior a proposed bill "to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States." p. 16533
The Armed Service Committee reported with amendments H. R. 8765, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act (H. Rept. 1082). p. 16534
24. FOREIGN TRADE. Rep. Mathias inserted a letter from the Commerce Department regarding the sales of American surplus farm commodities to Communist nations. pp. 16508-9
Received from the Attorney General a draft of a proposed bill "to amend the Trading With the Enemy Act, as amended." p. 16533
The Ways and Means Committee voted to report (but did not actually report) with amendments H. R. 7692, to require certain new packages of imported articles to be marked to indicate the country of origin. p. D788
25. VIRGIN ISLANDS. Received from the Comptroller General a report on the review of certain activities of the Government of the Virgin Islands for the fiscal year 1960. p. 16533

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited):

CONTENTS

Issued September 5, 1961
For actions of September 1, 1961
87th-1st, No. 153

Adjournment.....	22
Appropriations.....	1
Bulk commodities.....	16
Corn.....	24
Dairy research.....	26
Farm labor.....	9,21
Farm program.....	27
Fish farming.....	25
Fisheries.....	12
Food.....	19
Foreign aid.....	1,20
Foreign currencies.....	29
Foreign trade.....	6,28
Hams.....	13
Housing.....	21
Legislative program...	8,21
Manpower.....	23

Perishable commodities...	10
Personnel.....	7,17
Poultry.....	4
Reclamation.....	18
Recreation.....	3
Schools.....	21
Small business.....	16
Transportation.....	11
Watersheds.....	15
Wetlands.....	5
Wheat.....	2
Wilderness.....	14,21

Senate passed bills to: Exempt certain migratory labor children from Fair Labor Standards Act; establish National Citizens Council on Migratory Labor. House committee reported foreign aid appropriation bill. House subcommittee voted to report bill for participation in feed grains program of farms on which summer fallow is practiced. House received amendment to budget for foreign aid appropriations. Sen. Neuberger commended USDA decision on watered hams.

HOUSE

- 1. APPROPRIATIONS** The Appropriations Committee reported H. R. 9033, the foreign aid appropriation bill (H. Rept. 1107). p. 16773
Received from the President "amendments to the budget for the fiscal year 1962 involving an increase in appropriations in the amount of \$1,200 million for the Agency for International Development" (H. Doc. 230); to Appropriations Committee. p. 16773
Received from the President "proposed supplemental appropriations in the amount of \$8,414,000 for various agencies of the executive branch" (H. Doc. 231) to Appropriations Committee. p. 16773
- 2. WHEAT.** The "Daily Digest" states that "Committee on Agriculture: Subcommittee on Wheat and Subcommittee on Livestock and Feed Grains held a joint meeting and ordered reported favorably to the full committee H. R. 8914 (amended), to amend the Soil Conservation and Domestic Allotment Act in regard to summer fallow." p. D801

3. RECREATION. The Agriculture Committee reported with amendments H. R. 4934, to authorize the Secretary of Agriculture to modify certain leases entered into for the provision of recreation facilities in reservoir areas (H. Rept. 1104). p. 16773
4. POULTRY. The Agriculture Committee reported with amendments H. R. 7866, to extend the Poultry Products Inspection Act to Puerto Rico (H. Rept. 1105). p. 16773
5. WETLANDS. The Agriculture Committee reported with amendments H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands (H. Rept. 1106). p. 16773
6. FOREIGN TRADE. Both Houses received from the President the fifth annual report on the trade agreements program (H. Doc. 234). pp. 16755, 16774
The Ways and Means Committee reported with amendments H. R. 7692, to amend the Tariff Act of 1930 to require certain new packages of imported articles to be marked to indicate the country of origin (H. Rept. 1102). p. 16773
7. PERSONNEL. The Subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H. R. 8565, to permit certain Government employees to elect to receive compensation in accordance with the Federal Employees Pay Act in lieu of certain compensation at a saved rate. p. D801
8. LEGISLATIVE PROGRAM. It was agreed that the public works appropriation bill will be considered on Thurs., Sept. 7. p. 16756

SENATE

9. FARM LABOR. Passed with amendments S. 1132, to provide for the establishment of a National Advisory Council on Migratory Labor to advise the President and the Congress with respect to all matters relating to migratory agricultural labor. pp. 16855-6
Passed with amendments S. 1123, to amend the Fair Labor Standards Act so as to provide that a child may be employed in agricultural work outside of school hours if he is employed by his parents on the home farm, or if he is 14 years of age or over, or if he is between 12 and 14 years of age and works within 25 miles of his home with the written consent of his parents or if his parent or person standing in the place of his parent is also employed on the same farm. pp. 16856-61
10. PERISHABLE COMMODITIES. Passed with amendments S. 1037, to amend the Perishable Agricultural Commodities Act so as to improve and clarify provisions dealing with the eligibility for license of persons guilty of specified acts and persons affiliated with them; authorize an increase of license fees from \$25 per year to \$50, except for retail dealers and brokers of frozen fruits and vegetables; eliminate the Export Apple and Pear Act from the acts administered with license fees received under the Perishable Agricultural Commodities Act and authorize appropriations to carry out the Export Apple and Pear Act; regulate the use of trade names by licensees to prevent deception; provide that opportunity for an oral hearing need not be provided in reparation cases unless the amount in dispute exceed \$1,500 (instead of the present \$500); make it clear that in an appeal from a reparation order bond must be filed within 30 days after entry of the order and provide that the bond shall be in cash, negotiable securities, or the undertaking of a recognized surety company; and defer license suspension in case of appeal until all judicial appeals have ended. pp. 16802-4

WETLANDS DRAINAGE

SEPTEMBER 1, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

R E P O R T

[To accompany H.R. 8520]

The Committee on Agriculture to whom was referred the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands, having considered the same, report favorable thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 6, strike out “(c)” and insert “(e)”.

Page 1, line 7, following the word “agreement” insert “in the States of North Dakota, South Dakota, and Minnesota”.

Page 2, line 4, strike out the period and the closing quotation marks and insert a colon and the following.

Provided, That the limitation against offering such financial and technical assistance shall terminate one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource. The provisions of this subsection shall become effective July 1, 1962.

PURPOSE

The purpose of this bill is to prevent conflict and overlapping of two different Federal programs—one for the drainage of wetlands and the other for the preservation of certain wetland areas for wild-fowl propagation.

NEED FOR THE LEGISLATION

Migratory waterfowl breeding grounds in the United States are located in the wetlands plains areas of central northern part of this country, primarily in the States of North Dakota, South Dakota, and Minnesota. In this area the Fish and Wildlife Service of the Department of Interior carries out a program of leasing or purchasing such breeding areas and thus preserving them for wildlife purposes, while at the same time the Department of Agriculture, through its soil conservation programs, provides farmers with technical and financial assistance in the draining of wetlands.

Testimony before the committee indicates that there has been a high degree of cooperation between the two agencies of Government in carrying out these programs but the testimony is equally clear that the Department of Agriculture has no legal authority to refuse to render technical and financial assistance to a farmer in the draining of wetland areas simply because those areas are valuable as breeding grounds for migratory wildfowl, and even though the Department of the Interior might be willing to lease or purchase the wetlands in question under its program.

This bill is intended to remove this conflict. There is nothing in the bill which will prevent any farmer from draining any area of his land he may wish to drain at his own expense. It merely says that under certain circumstances, if the specific wetlands are of such value to wildlife propagation that the Department of the Interior is willing to lease or acquire them for that purpose, the Department of Agriculture will not circumvent this program by assisting the farmer either financially or technically in such drainage.

COST

There would be no additional cost to the Government as a result of this legislation.

HEARINGS

Hearings were held on several similar bills; H.R. 8510, by Mr. Reuss; H.R. 8511, by Mr. Saylor; H.R. 8512, by Mr. Dingell; H.R. 8520, by Mr. Johnson of Wisconsin; H.R. 8521, by Mr. Zablocki; H.R. 8522, by Mr. Kastenmeier; H.R. 8523, by Mr. Sikes; and H.R. 8688, by Mr. Van Pelt. H.R. 8620, by Mr. Johnson of Wisconsin, is reported herewith as amended by the committee.

At the hearings, the Department of Agriculture, the Department of the Interior, numerous organizations interested in wildlife and conservation, and several members of Congress appeared in favor of the bills. No witnesses appeared in opposition to the bills although several, including Mr. Andersen of Minnesota, suggested safeguards in the legislation to prevent the indiscriminate blocking of Federal aid to farm drainage programs generally. The committee believes that it has substantially provided in its amendments the safeguards suggested.

COMMITTEE AMENDMENTS

The first committee amendment will limit the application of this act to the three States: North Dakota, South Dakota, and Minnesota.

The second committee amendment, comprising the proviso at the end of the bill, has a twofold purpose: (1) It provides that the finding of the Department of the Interior will remain in effect only 1 year unless during that year there is a reasonable offer to lease or purchase the wetlands involved made by an agency of the Federal Government or of the State government; (2) it established a definition of the wetlands which are covered by the intent of this bill: only those wetlands which are of sufficient value to wildlife propagation that they would be leased or purchased by the Interior Department or a State agency for wildlife conservation purposes are to be subject to the limitation authorized by this bill.

The findings to be made by the Department of the Interior will apply only to specific wetland areas on farms for which an application for drainage assistance has been filed by the farmer with the county agricultural committee. Obviously, a certain amount of time will be required for the Interior Department to carry out its inspection of these areas, make its determination, and file a finding with the local committee. In the ordinary course of events, there is normally a certain lapse of time between the filing of an application for Federal drainage assistance and the approval of that application. The committee believes that the Department of Agriculture and the Department of Interior, with the assistance of the county agricultural committees involved, can work out a reasonable procedure for permitting the Interior Department an adequate interval in which to make inspections and reports. In its report on the bill the Interior Department suggested that 90 days might be necessary to carry out this inspection in an efficient manner. It is the opinion of the committee, however, that with the proper organization, such inspection and report can be made in a lesser time, such as 60 days.

DEPARTMENTAL APPROVAL

Following are the statements recommending enactment of this legislation made by representatives of the Department of Agriculture and Department of Interior at hearings on the bill.

Statement of the U.S. Department of Agriculture before the Subcommittee on Conservation and Credit of the House Agriculture Committee regarding H.R. 8520 and similar bills, presented by Gladwin E. Young, Deputy Administrator, Soil Conservation Service, August 18, 1961:

The Department of Agriculture welcomes this opportunity to appear before your committee to discuss H.R. 8520, which would prescribe procedures for approval of agreements to furnish financial and technical assistance for agricultural drainage.

We offer no objections to the bill under interpretations we set forth in this statement.

We wish to make it clear that the Department of Agriculture recognizes wildlife as a valuable asset. Through cooperative programs with farmers, this Department is making a major contribution to the conservation and development of wildlife resources. These are positive and constructive programs. We need only to mention: (1) The work of the Forest Service, not only in national forests, but also the

nationwide programs of farm woodland improvement and protection carried out cooperatively with States; (2) the Soil Conservation Service assistance to farmers and ranchers over the last 25 years to prepare farm conservation plans and watershed projects with provisions for practices of direct, as well as indirect benefit to wildlife, such as 4½ million acres of wildlife area treatment, 39,000 miles of windbreaks, 25,000 miles of hedgerows, and 8½ million acres of range seeding; (3) the conservation practices applied on retired cropland under the conservation reserve program, including more than 2 million acres of trees, 19 million acres of permanent vegetative cover, over 300,000 acres of annual feed and cover crops for wildlife, and over 7,500 acres of cropland converted to marshland management for wildlife; and (4) the tremendous contributions to wildlife that have come from the application of conservation practices by farmers with ACP cost-sharing assistance which include among others 1.7 million water storage reservoirs, 3 million acres of tree and shrub plantings, 7 million acres of timberstand improvement, and 775 million acres of vegetative cover established or improved during the past 25 years.

At the request of the Department of Agriculture new language is included in the 1962 Appropriation Act to provide ACP financial assistance for practices where the direct benefits are for wildlife. This means that beginning with the 1962 program, county and State ASC committees can share with farmers the cost of practices that are of direct benefit to wildlife conservation while at the same time provide other soil and water conservation benefits. Under this authority financial and technical assistance will be given to farmers for the development or restoration of shallow water areas for wildlife, for constructing ponds and dams for wildlife, for wildlife cover and food plots and other practices that will enhance wildlife in a particular county or State.

Wildlife as we know it in the United States is largely an agricultural crop. Like other agricultural crops, its welfare rests mainly in the hands of farmers and ranchers. More than half of the Nation's total land area is in farms and ranches and they produce most of the wildlife for hunters to shoot at or for others to see and enjoy. Our present abundance of agricultural wildlife is due in a large part to the soil, water, and woodland conservation programs that the Department of Agriculture assists landowners to carry out.

We would emphasize strongly that wildlife production and efficient productive farming are not incompatible. They do exist side by side.

On the other hand there is an area of conflict on some farms between maximum use of land for waterfowl production and profitable farm income. Decisions about this conflict in use of land and water rests entirely with the landowners. Whether to drain land to increase farm income is a decision that can be made only by each farmer.

The area of controversy about drainage that has reached public attention involves drainage assistance given by ACP

and SCS to farmers in the prairie pothole areas of Minnesota, North Dakota, and South Dakota.

DEPARTMENT OF AGRICULTURE POLICY ON DRAINAGE

The policy of the Department of Agriculture with respect to drainage is based on the principle that it is possible and it is necessary for waterfowl production and efficient farming to exist side by side. It is based on the fact that national policy has given definition to public interest in both efficient farming and wildlife. A solution to conflict between these two major uses of land cannot be found, therefore, merely by giving one type of use complete priority over the other.

A condensed statement of Department policies for providing drainage assistance is included in a memorandum issued February 21, 1957, by the Administrators of SCS and of the ACP "Guidelines for Applying Policies in Drainage and Biology in the Pothole Section of Minnesota, North Dakota, and South Dakota." A copy of that memorandum is attached to this statement. It is still in force as the basic policy statement of the Department.

This policy is essentially this: Federal funds will not be used to assist in draining land for the purpose of developing new farms nor for the primary purpose of bringing new land into agricultural production. The Department does assist farmers to improve their operating efficiency by helping them to apply improved farming practices, including drainage of existing cropland and pastureland whenever such drainage will contribute to improvement of efficiency on individual farms. Specific instructions to Department field offices direct that in giving assistance for the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Soil conservation districts and ASC committees are encouraged to give consideration to wildlife in planning soil and water conservation practices. Anyone who has observed the tremendous beneficial effects of soil and water conservation work on farms could not help but be impressed with the beneficial effects such practices have had on wildlife.

Provisions of the agricultural conservation program limit cost-sharing assistance for drainage to land, based on actual recent use, that is cropland devoted to the production of cultivated crops or crops normally seeded as hay or pasture in the area. Generally land must have a history of such past use for at least 2 of the 5 years preceding that in which the practice is applied. However, in the States of North Dakota, South Dakota, and Minnesota, recognizing the special conditions there regarding wildlife habitat, this eligibility requirement for drainage has been increased by the State and county ASC committees to 3 out of the last 5 years.

There is no question but that efforts to implement these policies have been sincere and have been generally successful. There is no question either that some drainage has been carried out that neither the agricultural staff nor wildlife

staff wanted to see drained. The wildlife interests have been seriously handicapped in not having a positive program of wildlife improvement to supplement the efforts of the Department of Agriculture.

In recognition of this, a special cooperative effort has been made during the past year for the Fish and Wildlife Service to review requests for drainage in the prairie pothole area and to report to the county ASC committees those cases where drainage would be harmful to waterfowl.

While this has not been more than a pilot effort, it does give some basis for judging the expansion of essentially this same procedure through legislative direction as proposed in H.R. 8520.

It is not possible nor is it necessary to try to recite here all the steps taken to implement the Department's policies of trying to deal equitably with requests for drainage assistance. It is important, however, for the record to show not only that definite restrictions against drainage are applied by the Department of Agriculture when major wildlife values are involved, but also to show that a positive program of wildlife improvement is promoted with farmers by the Department of Agriculture when helping them with drainage problems.

EXISTING PROVISION OF LAW WHICH PROHIBITS THE SECRETARY FROM MAKING RESTRICTIVE CHANGES IN ACP

For the 1959 and subsequent programs, the language of the appropriation act has provided that no change shall be made in the ACP which will have the effect in any county of restricting eligibility requirements or cost sharing on practices included in specified prior years unless such change shall have been recommended by the county committee and approved by the State committee. This has the effect of continuing any practice which was contained in a county program in the specified base period unless the county ASC committee and State ASC committee recommended its elimination or change. With respect to drainage this means that the Department at the national level does not have the authority to make the eligibility requirements for drainage more restrictive. Neither does it have the authority to deny assistance for drainage practices.

PROVISIONS OF H.R. 8520

H.R. 8520, as we interpret it, would vest in the Secretary of the Interior the authority to interpose a denial of financial and technical assistance for drainage under programs administered by the Department of Agriculture to a specifically identified drainage area on a farm where he has found that wildlife preservation would be materially harmed by such drainage. We do not believe that the Secretary of the Interior would make such a finding except where he was certain that the resultant damage to wildlife would so clearly outweigh the public interest in the conservation and use of the land as an agricultural resource that he could and would

justify to local people the basis for his action. While the proposed legislation is written to apply nationwide, we understand that the problem to be solved is confined largely to the so-called prairie pothole areas of North Dakota, South Dakota, and Minnesota. We understand also that the proposed legislation if enacted would not delay our going ahead with agreements for financial and technical assistance for drainage of areas on farms regarding which specific adverse findings had not been filed by the Department of the Interior. Unless this were so, our conservation programs would come to a halt in many areas and on many farms where drainage would not in any way be detrimental to wildlife.

Regardless of whether this bill is enacted, the Department of Agriculture expects to continue its active cooperation with the Department of the Interior to find workable solutions to this problem. We expect to continue to promote the conservation of wildlife and to gain the cooperation of farmers to this end. Furthermore, we shall expect to make effective use of the new provision for cost sharing for wildlife practices. We shall continue to restrict financial and technical assistance for drainage to lands already in crops and deny assistance for bringing new land into crop production. We shall continue to emphasize the value of wildlife and its interrelationship with soil, water, and forest conservation on the farms and ranches of the Nation. We expect wildlife conservation to continue to occupy a prominent place in the programs of the Department of Agriculture.

We shall look forward to an expanded positive program of wildlife improvement that will not impose on farmers the costs and sacrifices of maintaining wildlife for the sportsmen of the Nation.

Statement by Daniel H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, on H.R. 8510 and H.R. 8520, before the Conservation and Credit Subcommittee of the Committee on Agriculture, House of Representatives, August 18, 1961:

Our Department is very much interested in the objectives of H.R. 8510, H.R. 8520, and similar proposed legislation under consideration here today. For more than 10 years the preservation of wetlands valuable for waterfowl has been the most serious and difficult problem of the Bureau of Sport Fisheries and Wildlife. As a result of treaties with Mexico and Canada and implementing statutes, migratory birds have been a responsibility of the Federal Government for over 40 years. During that period a nationwide system of Federal wildlife refuges has been established at considerable public expense to insure the preservation of a nucleus of breeding birds; but most of this effort will have been wasted if the remaining wetlands still in private ownership are converted to other use.

Wetlands are disappearing rapidly. Along our seacoasts and around our cities they are being either filled or drained for housing or industrial development. Throughout the United States, and especially in the Midwest, intensified efforts are

being made to drain and reclaim them for agricultural crop production.

In the upper Midwest prairie section, the most important waterfowl breeding area in the United States, thousands of small potholes so desirable for breeding birds are being converted to, and improved for, the production of wheat and corn each year.

Congress has recognized the problem by enacting important wetland preservation legislation.

Three years ago, the Congress earmarked all duck stamp receipts for acquisition of wetlands by purchase or lease, and within the past month the House of Representatives passed a bill calling for an advance of \$150 million to be made available to the Secretary of the Interior over a 10-year period for this program.

We believe that with this current legislation our essential wetlands can be saved, but our program should not continue to be handicapped with a competing Federal program which acts to encourage the elimination of these same wetlands. The similar bills under consideration today should greatly relieve the situation.

We fully appreciate the grave responsibility placed upon us by this legislation. It involves a job of major proportions, but we consider it so important to the success of our overall wetland preservation program that there seems to be no alternative but to undertake this responsibility if Congress agrees this is desirable.

I would like to add that under no circumstances do we question the right of the landowner to drain his own land. The only question is whether Federal funds should be used to encourage him to do so if, in so doing, a valuable public natural resource is, at the same time, being destroyed. Neither are we, as a wildlife conservation agency, questioning all drainage assistance. We intend only to recommend the withholding of Federal assistance when material damage to wildlife is involved. This is how we interpret the language of the proposed legislation.

I hope this committee will give favorable consideration to legislation on this subject.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C., August 22, 1961.

HON. WILLIAM POAGE,
*Chairman, Conservation and Credit Subcommittee, House Committee on
Agriculture, House of Representatives, Washington, D.C.*

DEAR MR. POAGE: At the hearing held on August 18 on H.R. 8510, H.R. 8520, and other bills concerning drainage of wetlands, you indicated that I could expand my statement for the record since time did not permit my testifying on the bills.

There are two matters of considerable concern to us on which I would like to comment. Our first concern is with the time element. We are sure that the Department of Agriculture agrees with us that a

program involving the drainage of wetlands, some of which form essential wildlife habitat, is a grave responsibility. The favorable statement of that Department's witness on H.R. 8520 indicates their appreciation of the problem. However, it was implied that it should be the responsibility of the Secretary of the Interior to have a recommendation regarding each application for drainage assistance ready at the time the application is made. An inspection program covering all applications for drainage assistance under the Soil Conservation and Domestic Allotment Act, as amended, will be a tremendous job under the best of circumstances. To anticipate the nature of and to make prior inspection of all potential applications for drainage assistance would be an impossible task.

We believe the Department of Agriculture would agree that the interests of establishing long-term conservation at the least possible public expense would be better served by an alternate method. The most efficient use of funds and personnel would require that the Secretary of the Interior review specific applications for drainage assistance and report his findings to the Secretary of Agriculture within 90 days. The report of our Department would usually be available well in advance of that time.

The subcommittee expressed some interest in a suggestion that the act be amended to set up a definition of wetlands valuable to wildlife which would be satisfactory to all concerned under all conditions. The problem of developing such criteria has plagued the two Departments for years, and actually our inability to establish precise criteria for wetland values is in a large part what has caused the subject legislation to be introduced. The varying requirements of wildlife, particularly waterfowl, at various times of the year, in different latitudes are a complicated picture at best. When the tremendous variability of water supply in many parts of the country is considered, a further complexity is added.

While we believe that the job is one that calls for an expert appraisal, we also recognize the need for guiding principles. For example, we suggest, and we believe the Department of Agriculture would agree, that wetlands of various types and descriptions similar to those for which we consistently make offers, either for purchase or lease, under our acquisition program, are of sufficient value to wildlife that a recommendation for denial of assistance is warranted.

We are no more anxious to withhold drainage assistance from farmers, where such drainage will not adversely affect wildlife, than is the Department of Agriculture. On the other hand, the Department of Agriculture has supported our Department's position that assistance should not be made available to aid in destroying areas that are of value to wildlife. With review of projects as contemplated by this measure, and with judicious appraisal of the wetland values involved, we see no reason to anticipate that our Department would deny assistance in any case except where significant wildlife values exist. The Department of Agriculture has many times gone on record supporting this position and has done so in their statement on this bill.

Sincerely yours,

D. H. JANZEN, *Director.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AS AMENDED

* * * * *

LIMITATION ON OBLIGATIONS INCURRED

SEC. 16. (a) The obligations incurred for the purpose of carrying out for any calendar year, the provisions of sections 7 to 14, inclusive, of this Act shall not exceed \$500,000,000.

GREAT PLAINS CONSERVATION PROGRAM

(b) Notwithstanding any other provision of law—

(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with producers in the Great Plains area determined by him to have control for the contract period of the farms or ranches covered thereby. Such contracts shall be designed to assist farm and ranch operators to make, in orderly progression over a period of years, changes in their cropping systems and land uses which are needed to conserve the soil and water resources of their farms and ranches and to install the soil and water conservation measures needed under such changed systems and uses. Such contracts shall be in effect during the period ending not later than December 31, 1971, on farms and ranches in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The producer shall furnish to the Secretary a plan of farming operations which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which the farm is located, and which outlines a schedule of proposed changes in cropping systems and land use and of the conservation measures which are to be carried out on the farm or ranch during the contract period to protect the farm or ranch from erosion and deterioration by natural causes. Under the contract the producer shall agree—

(i) to effectuate the plan for his farm or ranch substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the

contract at any stage during the time he has control of the farm if the Secretary determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the producer's violation does not warrant termination of the contract;

(iii) upon transfer of his right and interest in the farm or ranch during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of the farm or ranch agrees with the Secretary to assume all obligations of the contract;

(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purpose of the program or to facilitate the practical administration of the program.

In return for such agreement by the producer the Secretary shall agree to share the cost of carrying out those conservation practices set forth in the contract for which he determines that cost-sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation measures under the contract;

(2) the Secretary may terminate any contract with a producer by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof;

(3) insofar as the acreage of cropland on any farm enters into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage on the farm shall not be decreased during the period of any contract heretofore or hereafter entered into under this subsection by reason of any action taken for the purpose of carrying out such contract and, under regulations of the Secretary, shall not be decreased, for such period after the expiration of the contract as is equal to the period of the contract, by reason of the maintenance of any change in land use from cultivated cropland to permanent vegetation carried out under the contract;

(4) the acreage on any farm which is determined under regulations of the Secretary to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract heretofore or hereafter entered into under the program or in order to maintain, for such period after the expiration of the contract as is equal to the period of the contract, any change in land use from cultivated cropland to permanent vegetation carried out under the contract shall be considered acreage devoted to the commodity for the

purposes of establishing future State, county, and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

(5) in applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U.S.C. 1340(6)), relating to the reduction of storage amount of wheat, any acreage diverted from the production of wheat under the program carried out under this subsection shall be regarded as wheat acreage;

(6) the Secretary shall utilize the technical services of agencies of the Department of Agriculture in determining the scope and provisions of any plan and the acceptability of the plan for effectuating the purposes of the program. In addition the Secretary shall take into consideration programs of State and local agencies, including soil conservation districts, having for their purposes the objectives of maximum soil and water conservation;

(7) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided*, That the total cost of the program (excluding administrative costs) shall not exceed \$150,000,000, and for any program year payments shall not exceed \$25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act.

(c) Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1961, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums to an approved conservation use and increase their average acreage devoted in 1959 and 1960 to designated soil conserving crops or practices by an equal amount: *Provided, however*, That any producer may elect in lieu of such payment to devote such diverted acreage to castor beans, safflower, sunflower, or sesame, if designated by the Secretary. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums in the crop years 1959 and 1960 or up to twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate may be made on an amount of corn and grain sorghums not in excess of 50 per centum of the normal production of the acreage diverted from corn and grain sorghums on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. Payments in

kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of such corn and grain sorghum acreage. Payments in kind on such additional acreage may be made at the basic county support rate on an amount of corn and grain sorghums not in excess of 60 per centum of the normal production of the acreage diverted from corn and grain sorghums on the farm based on its average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, and topography. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

(2) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(c). Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1961, and to pay such costs as may be included in carrying out section 3 of the Act which added this subsection to this Act.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(d) Notwithstanding any other provision of law—

(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1962, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices including summer fallow and idle land by an equal amount: *Provided, however,* That any producer may elect in lieu of such payment to devote such diverted acreage to castor beans, guar, safflower, sunflower, or sesame, if designated by the Secretary. In order to be eligible for a payment, a producer (other than a producer of malting barley as described in section 105(c)(4) of the Agricultural Act of 1949) who participates in the special agricultural conservation program of 1962 for corn and grain sorghums must not knowingly devote an acreage on the farm in excess of the average acreage devoted on the farm to barley in 1959 and 1960, and a producer who participates in the special agricultural conservation program for 1962 for barley must not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960. Such special agricultural conservation program

shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960 or up to twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate for the 1961 crop in effect at the time payment rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops may be made on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960. Payments in kind on such additional acreage may be made at the basic county support rate for the 1961 crop in effect at the time payments rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops on an amount of corn and grain sorghums, or barley, not in excess of 60 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

(2) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(d). Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1962, and to pay such costs as may be incurred in carrying out section 133 of the Agricultural Act of 1961.

(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

(c) *The Secretary of Agriculture shall not enter into an agreement to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture.*



87TH CONGRESS
1ST SESSION

H. R. 8520

[Report No. 1106]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1961

Mr. JOHNSON of Wisconsin introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 1, 1961

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:
6 “~~(e)~~ (e) The Secretary of Agriculture shall not enter
7 into an agreement *in the States of North Dakota, South*
8 *Dakota, and Minnesota* to provide financial or technical as-
9 sistance for wetland drainage on a farm under authority of

1 this Act, if the Secretary of the Interior has made a finding
2 that wildlife preservation will be materially harmed on that
3 farm by such drainage and such finding, identifying specifi-
4 cally the farm and the land on that farm with respect to
5 which the finding was made, has been filed with the Secre-
6 tary of Agriculture: *Provided, That the limitation against*
7 *offering such financial and technical assistance shall ter-*
8 *minate one year after the date on which the adverse*
9 *finding of the Secretary of the Interior was filed unless dur-*
10 *ing that time an offer has been made by the Secretary of the*
11 *Interior or a State government agency to lease or to pur-*
12 *chase the wetland area from the owner thereof as a waterfowl*
13 *resource. The provisions of this subsection shall become effec-*
14 *tive July 1, 1962."*

87TH CONGRESS
1ST SESSION

H. R. 8520

[Report No. 1106]

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

By Mr. JOHNSON of Wisconsin

AUGUST 7, 1961

Referred to the Committee on Agriculture

SEPTEMBER 1, 1961

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

CONTENTS

Issued September 13, 1961
For actions of September 12, 1961
87th-1st, No. 159

Appropriations.....	1,17,20
Area redevelopment.....	1
ASC committees.....	5
Civil defense.....	1,30
Education.....	16
Electrification.....	19
Farm housing.....	1
Farm labor.....	6
Farm program.....	31
Feed grains.....	8,18
Food reserve.....	1,22
Foreign affairs.....	7
Foreign aid.....	24
Forestry.....	15
Grain relocation.....	1
Holiday.....	25
Lands.....	26
Legislative program.....	20
Livestock.....	21
Minerals.....	14
Peanuts.....	23

Personnel.....	2,5,9
Price supports.....	23
Purchasing.....	4
Reclamation.....	13
Research.....	1
Retirement.....	5
Salaries and expenses.....	1
Soil conservation.....	1
Supergrades.....	2
Tariff.....	29
Taxation.....	28
Transportation.....	12
Water compacts.....	11
Water conservation.....	1
Wetlands.....	3
Wheat.....	27
Wools.....	29
Youth conservation.....	10

HIGHLIGHTS: House committees reported supplemental appropriation bill and additional-supergrades bill. Senate committees reported: Additional-supergrades bill. Youth Conservation Corps bill. Delaware River Basin compact bill. Sen. Keating criticized and Sens. Proxmire and Humphrey and Rep. Fountain and Smith, Iowa, commended feed grains program. Senate agreed to conference report on Labor-HEW appropriation bill. Rep. Coad objected to appointment of conferees on Mexican farm labor bill. House debated public works and conference report on State-Justice appropriation bills. Sen. Neuberger and others introduced and Sen. Neuberger and Reps. Breeding and May discussed wheat bills.

HOUSE

1. **APPROPRIATIONS** The Appropriations Committee reported H. R. 9169, the supplemental appropriation bill for 1962 (H. Rept. 1175) (p. 18028). The bill includes the following items for the Farmers Home Administration: (1) Farm Housing Grants and Loans as authorized by Public Law 87-70, which amends the Housing Act of 1949, \$10,000,000 (same as budget estimate); (2) additional amount for Salaries and Expenses, \$1,000,000 (budget estimate, \$2,400,000) including \$125,000 (budget estimate, \$250,000) for farm housing research; and (3) a language proposal making not to exceed \$8,000,000 of the \$37,900,000 contingency authorization for farm operation loans provided in the 1962 Agricultural Appropriation Act available for Soil and Water Conservation Loans (budget estimate did not earmark any specific portion of the contingency authorization).

The Committee recommended that the budget estimate of \$47,200,000 for a new appropriation "Emergency Relocation of Grain" be denied, commenting as follows:

"Civil defense: Emergency relocation of grain.--The Committee recommends that the \$47,200,000 request to relocate wheat from current storage sites to locations close to metropolitan areas be denied. This proposal to store unmilled wheat which is unusable in that form deserves further study. Substantial sums have already been provided for civil defense including \$27,800,000 in a recent bill for an emergency survival food program."

The bill also includes under the Department of Commerce a supplemental appropriation estimate for fiscal year 1962 for the Area Redevelopment Administration, including \$5,500,000 (budget estimate, \$11,000,000) for administrative expenses, including technical services, of the Department of Commerce and delegate agencies.

The bill also includes under the Department of Labor a supplemental appropriation estimate for expenses necessary to carry into effect sections 16 (occupational training) and 17 (retraining subsistence payments) of the Area Redevelopment Act, including grants or reimbursements to States, of \$14,000,000, of which \$10,000,000 shall be available for occupational training and retraining payments to unemployed and underemployed individuals in redevelopment areas.

The Committee denied a Commerce Department request for \$1 million additional funds for Federal participation in the Century 21 Exposition.

Agreed to the conference report on H. R. 7371, the State-Justice appropriation bill, and began action on amendments in disagreement. pp. 17950-4

Began debate on H. R. 9076, the public works appropriation bill. pp. 17962-8004, 18009-11.

Rejected the following amendments:

By Rep. Saylor, providing that no part of the funds appropriated shall be available for conducting a survey of pump-back storage. p. 17993

By Rep. Jensen, 114 to 135, to strike out provisions for the construction of certain power lines on the Upper Colorado River project. pp. 17994-8001

2. SUPERGRADES. The Post Office and Civil Service Committee reported with amendments H. R. 7377, to increase the limitation on the number of supergrades, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized (H. Rept. 1170). p. 18028

3. WETLANDS. Passed with amendments H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands. pp. 17954-7

The "Daily Digest" states that "Conferees, in executive session, agreed to file a conference report on the differences between the Senate and House-passed versions of H. R. 7391, to promote the conservation of migratory birds by the acquisition of wetlands." p. D841

4. PURCHASING. The Judiciary Committee reported without amendment H. R. 8741, to authorize any Federal agency to waive performance and payment bonds (H. Rept. 1173). p. 18028

5. PERSONNEL. Conferees were appointed on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee employees with past service purchase credit for such service within a two-year period from July 10, 1960, to modify the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, and to provide for permanent indefinite appropriations for the retirement fund. Senate conferees have already been appointed. p. 17950

As with its original authorization to initiate Commission action, allegations must be submitted in writing, under oath, or affirmation. It is not permitted to act on mere hearsay or rumor. Unlawfully according the franchise, as well as its denial, is made a ground for Commission action. And, as is already the case, primary elections, as well as general elections, are embraced within the scope of its broadened responsibilities.

The proposed amendment is not directed at any locality, party or election. Rather it is responsive to a long felt general need. Charges of voting irregularities have probably been made in every election since the founding of the Republic. For the most part, such allegations have been without foundation. But occasionally in our history chicanery has occurred and, because of the lack of effective machinery charged with the responsibility to investigate, has gone unpunished and unexposed to the public view.

Belief in, and respect for, the integrity of the methods by which our leadership is chosen must be maintained. If ever that belief and respect are lost, our freedoms will likewise be lost.

The committee is convinced that the proposed amendment will go a long way toward insuring the preservation of the integrity of the ballot in this country.

Attached hereto and made a part of this report is a letter dated August 7, 1961, from the President to the chairman, Committee on the Judiciary, House of Representatives, a letter dated July 20, 1961, from the Department of Justice, and a letter dated May 12, 1961, from the Commission on Civil Rights.

Mr. Speaker, there is no greater right that a human being has, if you talk about civil rights in America, a free society, a representative form of government, than the right to vote by either the majority or minority. This amendment was for the purpose of giving to the people in America the assurance, so far as the Civil Rights Commission could do it, that they would enjoy the right to vote and to have the vote counted. In other words, give somebody the authority to investigate flagrant voting fraud cases, of which I have evidence in substantial quantity in my files and which has been carried in the press. This matter of vote frauds has been discussed all over the country in the past.

The result of adding this substantive rider limiting it to extension of the Commission in the other body and bringing it in, in the form of a part of a conference report, denies the House any opportunity of working its will on the substantive legislation itself, and of greater importance, on the important clean elections amendment that was approved by the Committee on the Judiciary. It does not give the House the opportunity of considering it.

I discussed with the Parliamentarian how this amendment approved by the House Committee on the Judiciary might be considered under the circumstances, with a motion pending to recede and concur or to recede and concur with an amendment offered by the other body, and I was informed that is a priority motion, therefore no parliamentary procedure could be had except to vote that motion down, which in the makeup of the House at the present time is an impossibility. No motion to consider this

clean elections amendment would be in order.

This indicates the shortcomings of the procedures of this body that permits such a rider added to an appropriation bill in the Senate to be included in a conference report with no opportunity for this body to work its will on the substantive matter itself.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Virginia.

Mr. POFF. May I ask the gentleman if the chairman of the Committee on the Judiciary has asked the Rules Committee to grant a rule?

Mr. CRAMER. Well, whether he has asked or not, I could not say definitely. But he certainly has not been successful. The distinguished chairman of our Judiciary Committee is quite persuasive in other matters with respect to acquiring a rule and a rule would be forthcoming if the leadership wanted it, especially with the stacked Rules Committee. It is inconceivable to me that he would not have been able to acquire a rule had he pressed for it or if the leadership wanted it and that we would have had the Civil Rights Commission extension legislation as a substantive matter on the floor of this House to be considered on its merits, as well as the amendment that was enacted rather than as a rider in a conference report on an unrelated appropriation bill.

Mr. POFF. It is my understanding that the Commission is authorized under the parent legislation to investigate charges of the denial of the right to vote on account of race, creed or color. The amendment adopted in the Judiciary Committee expanded the authority of the Commission to authorize investigations of charges of deprivation of the right to vote by means of fraud or any illegal act; is that correct?

Mr. CRAMER. The gentleman is absolutely correct. In effect, it protects for everyone the basic constitutional right to vote and to have that vote counted; that is, the civil rights being protected. It protects those rights for all Americans, not only for the minority members. That was the objective involved.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, I will not object to Mr. CRAMER having 3 additional minutes, but I do want to vote on this other bill before we forget what the matter is all about.

Mr. CRAMER. I appreciate the statement by the gentleman from Minnesota.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the gentleman from Florida is recognized for 3 additional minutes.

There was no objection.

Mr. CRAMER. Mr. Speaker, I hope the gentleman will share my concern about my clean elections amendment

which was offered in the Judiciary Committee and approved by the Judiciary Committee in the Civil Rights Extension bill. The committee instructed the chairman to request a rule on the extension of the Civil Rights Commission with the vote fraud amendment. Such a rule was not forthcoming. Here we get in the dying days of the session this substantive piece of legislation—the extension of the Civil Rights Commission as a rider to an appropriation bill, with no opportunity whatsoever to work the will of the House on an amendment offered by this body.

Mr. ANDERSEN of Minnesota. If the gentleman will yield further, the fact that my good friend from Florida [Mr. CRAMER] is arguing the matter as he is, is conducive toward my feeling that I should support his position.

Mr. CRAMER. I thank the gentleman from Minnesota. I just wish there were a parliamentary procedure whereby we were able to get in this substantive clean elections provision at this time. The only recourse now is to vote down the motion to recede and concur in the Senate rider, amendment No. 25.

Mr. Speaker, the committee reported favorably on this amendment, and in that report said as follows:

If it is true that the denial of freedom to any American is a diminution of freedom to all Americans, then we cannot tolerate restrictions on the franchise from any quarter—for any cause. If the constitutional right to vote is worth protecting through a Federal agency for any Americans, it is worth protecting through such agency for all Americans.

Can anyone argue with that?

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I will be delighted to yield to the distinguished gentleman from Virginia, the chairman of the Rules Committee.

Mr. SMITH of Virginia. With reference to the question as to whether an application was made to the Committee on Rules for a rule to bring out the judiciary bill, I want to say as chairman of the Rules Committee that to my knowledge no request was ever made for a rule. I did not know the bill had been reported by the Judiciary Committee.

Based upon the way the Rules Committee is now constituted, there certainly would have been no question about your having had an opportunity to get a rule and have the matter debated fully on the floor of the House.

Mr. CRAMER. I thank the distinguished chairman of the Rules Committee. Does the distinguished chairman of the Rules Committee feel that the manner in which this legislation has been considered by tacking on a substantive rider to an appropriations bill for the extension of the Civil Rights Commission and not permitting the House to consider it or my clean elections amendment is the way to legislate?

Mr. SMITH of Virginia. I think not only in this instance, but in other instances it is an outrageous abuse of the parliamentary procedure, and the House should not stand for it.

Mr. CRAMER. I agree and I thank the gentleman.

I would like to say that the purpose for which it was done was to avoid the vote fraud amendment which was adopted by the Judiciary Committee, and avoid the House having the opportunity to work its will on the question. There is no doubt but what the House would have approved this amendment.

It will be my objective in the future to press for the passage of this obviously necessary amendment protecting the civil right of everyone to vote when the civil rights matter is up for further consideration or in the next session when we have an opportunity to work our will on the merits.

Mr. ROONEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SIKES) there were—ayes 61, noes 18.

So the motion was agreed to.

Mr. SIKES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the order of the House of September 7, further consideration of the pending motion and the remaining amendments reported in disagreement will be postponed until tomorrow.

WET LANDS DRAINAGE

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ANDERSEN of Minnesota. Mr. Speaker, reserving the right to object, will I have an opportunity to offer an amendment to this bill?

Mr. POAGE. Yes, the gentleman will have an opportunity to offer an amendment to the bill.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I withdraw my reservation of objection, with the understanding that I will have the opportunity to offer an amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding at the end of section 16 thereof the following new subsection:

"(c) The Secretary of Agriculture shall not enter into an agreement to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be ma-

terially harmed on that farm by such drainage and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture."

With the following committee amendments:

Page 1, line 6, strike out "(c)" and insert "(e)".

Page 1, line 7, following the word "agreement" insert "in the States of North Dakota, South Dakota, and Minnesota".

Page 2, line 4, strike out the period and the closing quotation marks and insert a colon and the following, "Provided, That the limitation against offering such financial and technical assistance shall terminate one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource. The provisions of this subsection shall become effective July 1, 1962."

The committee amendments were agreed to.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSEN of Minnesota: On page 2, line 6 after the word "Agriculture" insert "within 90 days after the filing of the application for drainage assistance".

(Mr. ANDERSEN of Minnesota asked and was given permission to revise and extends his remarks.)

(Mr. ANDERSEN of Minnesota asked and was given permission to proceed for an additional 5 minutes.)

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSEN of Minnesota. I yield to the gentleman from Texas.

Mr. POAGE. While I have no authority to speak for anyone other than myself, I am glad to accept the gentleman's amendment.

Mr. ANDERSEN of Minnesota. I thank the gentleman. I think the amendment does improve the bill considerably. I might say to my colleague, I am trying to be reasonable in this matter.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSEN of Minnesota. I yield to the gentleman from Iowa.

Mr. HOEVEN. The gentleman has given me an opportunity to examine this amendment. I think it is a good amendment and so far as I am concerned, I am willing to accept it.

Mr. ANDERSEN of Minnesota. I thank the gentleman.

Mr. Speaker, I would like to ask the gentleman from Texas [Mr. POAGE] a few questions in order that we may have a little legislative history brought into the RECORD at this point, so that the intent of the Congress as to this bill will be clearly on record.

The first question I would like to direct to the gentleman from Texas is this: I am disturbed by the fact that in this bill there is not exact definition as to what constitutes "wet lands."

What do you think is the proper definition of wet lands as the committee has adopted it and has referred to it in the report?

Mr. POAGE. Well, there is no definition of wet lands as such in the bill, for two different reasons. First, the committee explored this subject rather thoroughly and came to the conclusion that it would be virtually impossible to write, in legal language, a satisfactory definition defining wet lands which would be applicable to all possible areas which the committee wants covered by the bill and not, perchance, applicable to some others that we do not want to cover.

Second, the committee felt that an academic definition of wet lands as such is not necessary nor even relevant for the purposes of this bill.

The only question here is what wetland areas are to be subject to the provisions of the legislation. This question the committee has answered in the proviso which has been added at the end of the bill, and in doing so has provided a practical working definition of wet lands which are subject to the provisions of the legislation. As explained on page 3 of the committee report, this proviso in itself establishes an effective definition of wet lands for the purposes of this bill. Only those wet lands in the three States affected by the bill which are of such value to the propagation of wildfowl and other wildlife that they would be acquired by the Department of the Interior or by a State agency, either by lease or by purchase, for purposes of wildlife propagation, are wet lands for the purposes of this bill.

Mr. ANDERSEN of Minnesota. Would the gentleman from Texas agree with me, then, that unless the Department of the Interior is willing to make a definite, bona fide offer, they will have no further restrictions upon this particular wetland area?

Mr. POAGE. That is absolutely correct. If, during the course of the year following the filing of an objection, neither the Department of the Interior nor a State has made a reasonable offer to lease or purchase the wet lands in question, their right to object to the provisions of the drainage application would be extinguished. I think that is perfectly clear in view of the amendment offered by the gentleman from Minnesota that the right of the Department of the Interior to file objections against the drainage application must be exercised within 90 days after the application is filed. This would preclude beyond any question the right of the Department to come in after a year of inactivity, as the gentleman has suggested, and file another objection.

Mr. ANDERSEN of Minnesota. In connection with the definition of these wet lands, the bill speaks of them as such, but there is room for disagreement as to what does constitute wet lands.

Now, the farmers in my area of Minnesota call such areas potholes, and they are a nuisance, in that they hinder farming. But, the Department of the Interior may, under this bill consider such spots wet lands and say they are neces-

sary and must be preserved for the nesting of ducks.

Another thing: This bill is applicable only to the States of Minnesota and the Dakotas.

Now, Mr. Speaker, it does seem to me—I am not going to insist on my amendment by posing this issue—but it does seem to me that if this legislation is good legislation for Minnesota and the Dakotas, it really should be good legislation for the entire Nation. If these potholes or wet lands are so important that they must be preserved in these particular States then we should preserve them in the rest of the country.

One other question: You have said that the 1-year time limit would begin to run as of the filing of the objection by the Department of the Interior. Now, suppose that neither the Department of the Interior nor any State agency makes any such definite, bona fide offer to acquire the wet lands during the 1-year period, can the Department of the Interior then come in at the end of the year's time and say to my farmers "Well, we are going to object to your proposed drainage"? Can they interpose another objection?

Mr. POAGE. I think I answered that question rather fully a few moments ago. Categorically the answer is "No," it cannot, and once having failed to comply with the provisions of the bill and making a reasonable offer within the 1 year, the right of the Department to interpose an objection is extinguished.

Mr. ANDERSEN of Minnesota. One further question: What does the committee mean by the term "reasonable offer"? This term does not occur in the bill itself, but it is contained in the committee report on page 3. The Department of the Interior may think an offer is reasonable, but the farmer may say "I do not think that is a reasonable offer, I do not agree with it." What recourse does the farmer have?

Mr. POAGE. May I say that we in the committee had some discussion on this very point, and it seemed to us that "reasonable offer" would be clearly an offer comparable to those which had recently been made to buy or lease a comparable parcel of wetland in the same area and which had been accepted by the farmers involved.

Mr. ANDERSEN of Minnesota. I thank the gentleman from Texas for his courtesy in this matter, and the detailed explanation just given me, just by way of legislative history in the record.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSEN of Minnesota. I yield.

Mr. REUSS. I should like, Mr. Speaker, to ask the gentleman from Texas, who has just been answering questions propounded by the gentleman from Minnesota, to answer a couple of questions on the Andersen amendment. The Andersen amendment would place a statutory limit of 90 days upon the time given the Department of Interior to file an objection to a proposed drainage application. This is 90 days from the time the application is filed with the county

committee by the farmer. But there is no time established by the bill within which the county committee must notify the Interior Department that the application has been filed. Suppose a committee either by inadvertence or design does not notify the Interior Department promptly of the filing of the application so that the Fish and Wildlife Service has very little time, or perhaps even no time at all, in which to file its objection?

Mr. POAGE. The Secretary of Agriculture cannot permit this to happen and I cannot believe that he would do so. This is a special provision of law applying to only a certain type of conservation program application. It establishes a statutory time in which another department of the Government must take action on such applications. I think it is clearly incumbent by the very nature of the statute upon the Secretary of Agriculture to promulgate regulations which would require that one of the procedures which must be followed by the County Committee before it can approve any such drainage application is an extremely prompt notification of the Interior Department that the application has been filed. I believe that the Secretary of Agriculture has both the responsibility and the authority to make some such regulation and from the very cooperative way in which these agencies have worked together in the past, I am abundantly sure that he will do so. I do not believe that the problem proposed by the gentleman will arise.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

(By unanimous consent Mr. ANDERSEN of Minnesota was allowed to proceed for 2 additional minutes.)

Mr. REUSS. Mr. Speaker, will the gentleman from Minnesota yield further?

Mr. ANDERSEN of Minnesota. I yield to the gentleman from Wisconsin.

Mr. REUSS. I would like to ask the gentleman from Texas this additional question:

Suppose the county committee looks at an application for drainage and decides on its own that there are no wet lands of significance to the wildfowl conservation program on the man's farm? Can it make this decision and go ahead and approve the application without referring it at all to the Department of the Interior?

Mr. POAGE. No, it certainly cannot. Here again the very nature of this special legislation will make it obligatory upon the Department of Agriculture, presumably acting through the county committee, to notify the Interior Department promptly of every application for drainage which is filed in the three States included in the bill. The bill gives the Department of the Interior—not the county committee—the statutory responsibility for this decision. I do not see how the Department of Agriculture could justify approval of such an application without referring it to the Interior Department.

Mr. REUSS. I thank the gentleman from Texas for his answers and the gen-

tleman from Minnesota for his courtesy in yielding to me.

Mr. ANDERSEN of Minnesota. Mr. Speaker, in conclusion I may say that while I have extreme reservations relative to this legislation, I do not want to be considered adamant in my line of reasoning. Consequently, Mr. Speaker, if the amendments I have sent to the desk are adopted, I shall withdraw my objection to passage of the bill.

Mr. JOHNSON of Wisconsin. Mr. Speaker, I want to urge passage of H.R. 8520, as it would eliminate the existing inconsistency of the Department of Agriculture's farm drainage program and the Department of Interior's wetlands preservation program. I introduced this bill on August 7, and identical or similar bill have also been introduced by my colleagues, the gentlemen from Wisconsin, Congressman CLEMENT ZABLOCKI, Congressman HENRY REUSS, Congressman ROBERT KASTENMEIER, and Congressman WILLIAM VAN PELT, and by the gentleman from Michigan, Congressman JOHN DINGELL, the gentleman from Pennsylvania, Congressman JOHN SAYLOR, and the gentleman from Florida, Congressman ROBERT SIKES.

The problem which this legislation would solve is a pressing one. Currently, the Agriculture Department furnishes technical and financial assistance to farmers for drainage of wet lands under the agricultural conservation program. At the same time, the Interior Department is conducting a program for the purchase or lease of wet lands in order to save our dwindling duck population. Present requirements of the law do not permit the Secretary of Agriculture to withhold cost-sharing assistance from drainage projects merely because they adversely affect wildlife.

Here we have two programs which are operating at cross-purposes. Clearly, we must resolve his conflict of interest in order to prevent the taxpayers' money from being wasted because two programs are working against each other.

My bill provides that no contract for agricultural conservation program assistance can be entered into by the Secretary of Agriculture with a farm operator for drainage of land in North Dakota, South Dakota, and Minnesota if the Secretary of Interior has determined that wildlife preservation will be materially harmed by the proposed drainage project. Prior determination of the specific areas of the farm where this would be so must be made by the Department of Interior and filed with the Department of Agriculture in order for this legislation to apply. The limitation against offering Federal financial and technical assistance for such drainage shall terminate 1 year after the date on which the adverse finding of the Secretary of Interior was filed unless an offer has been made during that time by the Interior Department or a State government agency to lease or purchase the wetland area from the owner as a waterfowl refuge.

Mr. Speaker, such cooperation between the two departments will insure a coordinated approach to a problem of great concern to conservationists across

the Nation. The region north and east of the Missouri River in the Dakotas and western Minnesota is still referred to as the last important duck factory in the United States. This was originally a glaciated area of undulating grasslands, pockmarked by thousands of shallow lakes and potholes. According to Thomas A. Schrader of the U.S. Fish and Wildlife Service, this tristate region, which is the area affected by H.R. 8520, may at one time have produced 15 million ducks a year.

Proof of its value for duck production is the use still being made of its remaining water. It is the favored mating and nesting area for blue-winged teal, pintail, mallard and other species in lesser numbers. In normal years, it still turns out from 3 to 4 million ducks, which disperse into all four flyways as they wing southward to wintering grounds.

Continued high production from the prairie potholes is essential to the future of waterfowl hunting throughout the Mississippi and central flyways. Band returns from 2,063 mallards, gadwalls and pintails banded in June, July and August within the prairie pothole region of the United States show that the ducks were shot in 40 States, Canada, Central America and South America.

Of redheads banded in the pothole region during the same months and recovered away from the immediate banding area, 13.5 percent were taken in the Atlantic Flyway. Of the pintails recovered away from the immediate banding area, 19.2 percent were shot in the Pacific and Atlantic Flyways in the United States and in British Columbia. It is plain that prairie pothole ducks contribute to good waterfowl hunting in most parts of the Nation.

Mr. Speaker, in 1936, Congress passed the Soil Conservation and Domestic Allotment Act. It was the basis for the subsidization of many worthwhile soil conservation practices such as strip-cropping, terracing, contour plowing and tree planting. However, the provisions for Federal aid for the drainage of farm wet lands have been indiscriminately used and abused. Since 1936, agricultural drainage has been responsible for destroying 5,602,241 acres of wet lands in Dakota and Minnesota alone. Each year, about 3 percent of the remaining wet lands in this area are lost to federally subsidized drainage projects.

The U.S. Department of Agriculture's Soil Conservation Service has estimated that 127 million acres of natural wet lands originally existed in all the States lying south of the Canadian border. In 1956, the Fish and Wildlife Service of the Department of Interior estimated that 74,439,000 acres of wet lands remained. This is slightly over 58 percent of the original acreage.

Of these remaining wet lands, 8,819,900 acres were classified as having high value for waterfowl and 13,616,500 acres as having moderately high or significant value. This total of 22,436,400 acres constitutes just a little over 30 percent of the remaining wet lands as of that date. In the 4 years which have elapsed since these estimates were made, wet

lands have continued to disappear both temporarily and permanently.

Mr. Speaker, the handwriting is on the wall. Immediate action is necessary if we are going to save our continental flights of waterfowl.

The Department of Interior already has the authority to offer to lease or buy wet lands for migratory bird refuges and nesting areas. A bill to accelerate this Federal wetlands acquisition program has already passed the House, and the Senate has passed an amended version. Under the accelerated program provided for in this legislation, it would be possible for farmers to sell or lease their wet lands to the Interior Department at a satisfactory price. The 1-year limitation on the withholding of Federal assistance for drainage of wet lands provided for in H.R. 8520 will insure the farmer against undue delay in the lease or purchase of such lands for waterfowl refuges.

When hearings were held on H.R. 8520 before the Conservation and Credit Subcommittee of the House Agriculture Committee, both the Department of Agriculture and the Department of Interior strongly supported the measure. While the testimony indicated that the two Departments have endeavored to cooperate on coordinating the drainage and wetlands acquisition programs, it was equally clear on the point that the Agriculture Department's hands are now legally tied. USDA has no legal authority to refuse to give technical and financial assistance to a farmer in the drainage of wetland areas simply because those areas are valuable as breeding grounds for migratory wildfowl, and even though the Interior Department might be willing to lease or purchase the wetlands in question under its acquisition program.

Mr. Speaker, H.R. 8520 is intended to eliminate this conflict. There is nothing in the bill to prevent any farmer from draining any area of his land he may wish to drain at his own expense. It merely states that if the specific wetlands are of such value to wildlife propagation that the Department of Interior is willing to lease or acquire them for that purpose, the Department of Agriculture will not circumvent this program by assisting the farmer either financially or technically in such drainage.

On September 1, the Agriculture Department issued a news release titled "Wildlife to Benefit from New Features of Conservation Program." It read, in part, as follows:

The Department also is supporting legislation now under consideration by the Congress which will limit financial and technical assistance for drainage of certain wetlands in the three-State area of Minnesota, North and South Dakota.

The bill, H.R. 8520, has been reported favorably by the House Agricultural Committee. It directs the Secretary of Agriculture to limit financial or technical assistance for wetland drainage on a farm where the Secretary of Interior finds that drainage will be harmful to wildlife.

Other legislation provides that the Secretary of Interior may lease or purchase the wetland area as a waterfowl resource. Where no offer to lease or purchase is made, drainage assistance may be given.

Mr. Speaker, we hear of the days when ducks and geese were so numerous that they darkened the sky in their spring and fall migrations between wintering grounds in the South and summer nesting areas in the North. But those days are gone forever. As I pointed out before, the alarming decline came when farming brought drainage of the wetland area and destroyed more than half of the nesting range of ducks in the prairie pothole region. The additional corn and wheat produced as a result of this drainage can be recorded as a gain in the dollar-and-cents ledger, but the change has left us poorer in the waterfowl resource account, which is kept in a different set of books.

In calculating the value of further drainage, two factors must be considered. First, since the most economically drainable land has been drained, any future drainage is likely to be more difficult and less rewarding. Second, with increasing demand and decreasing supply, the duck has become vastly more valuable. In pioneer days, the value of a duck was expressed in cents per pound, but today, waterfowl values do not find true expression behind a dollar sign. They have recreational, social, and cultural values which make their meat values appear almost inconsequential.

Secretary of Interior Stewart Udall has said that the necessity to meet the outdoor needs of our people now and in the future will in all likelihood be the sharpest and most consistent pressure on our land, water, and forests in the years ahead. It is our responsibility to see to it that there will be sufficient outdoor recreational area available to our increasing population so that our children and their children may enjoy the outdoor opportunities which we have had. H.R. 8520 will help us to meet that responsibility by protecting our priceless waterfowl resource from indiscriminate, federally subsidized drainage of the wetlands where ducks and geese nest and rest. I urge the speedy passage of this legislation.

MR. REUSS. Mr. Speaker, for 20 years we have been subsidizing the drainage of farm wetlands where the ducks and geese breed. More than one-third of the potholes in the Minnesota-Dakota wetlands area have been drained up by this process.

As a result, our waterfowl population has suffered severely. This year, there is a sharply curtailed open season on waterfowl in most of the Nation's flyways. Many responsible biologists have suggested that the season should have been closed entirely.

We are at last embarking on a crash program of acquiring Federal wildlife refuges. But unless we are able to stop the indiscriminate drainage of farm wetlands valuable to wildlife, we will find we are moving twice as fast just to go backward as far as waterfowl are concerned.

H.R. 8520 bears the name of a splendid Congressman and a great conservationist, the gentleman from Wisconsin [Mr. JOHNSON]. The bill provides that the Secretary of Agriculture shall not subsi-

dize the drainage of farm wetlands where the Secretary of the Interior finds that wildlife preservation will be materially harmed, and requires the Secretary of the Interior to make an offer in good faith to purchase or lease any such wetland from the farmer whose application for drainage assistance has thus been turned down. H.R. 8520 resembles similar bills which I have pressed upon Congress over the last 4 years. H.R. 10641, 85th Congress, introduced by me on February 10, 1958, likewise denied drainage assistance where the Secretary of the Interior found that wildlife preservation would be materially harmed, and directed the Secretary of the Interior instead to make a good-faith attempt to acquire such lands as a waterfowl refuge. H.R. 10641 was unfortunately never accorded a hearing. Nor was I able to procure hearings on similar bills which I have introduced in every Congress since then. A similar measure in the form of an amendment to this year's Agriculture Appropriation Act which I made on June 6, 1961, was defeated by a rollcall vote of 196-184. An amendment which I introduced to the agricultural bill of 1961 in July 1961, passed the House, but was unfortunately deleted in conference.

It is because of this long history of the effort to end the abuses of subsidized farm drainage that I am particularly grateful to the vigorous attention given the problem by the gentleman from Texas [Mr. POAGE], whose subcommittee favorably reported out H.R. 8520. I should like, too, to express my appreciation to Mr. John Heinburger, the learned and industrious counsel for the House Committee on Agriculture, whose draftsmanship has been of such help.

Mr. Speaker, H.R. 8520 can be a landmark in the history of the conservation movement. I hope that it is speedily enacted.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSEN].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD prior to the passage of the bill H.R. 8520.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE AMERICAN PRINTING HOUSE FOR THE BLIND

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9030) to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the

blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to know what this bill proposes to do.

Mrs. GREEN of Oregon. This is a bill which would provide for additional materials for blind children in the United States, for the Printing House for the Blind, in Louisville, Ky.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879, as amended (20 U.S.C. 102), is amended to read as follows: "The Secretary of Health, Education, and Welfare is hereby authorized to pay over semiannually, to the trustees of the American Printing House for the Blind, located in Louisville, Kentucky, and chartered in 1858 by the Legislature of Kentucky, upon requisition of their president, countersigned by their treasurer, one-half of such annual appropriation upon the following conditions:"

Sec. 2. The paragraph of such section 3 designated "Second," is amended to read as follows:

"Second. No part of the appropriation shall be expended in the erection or leasing of buildings; but the trustees of the American Printing House for the Blind may use each year a reasonable sum of the annual appropriation for salaries and other expenses of experts and other staff to assist special committees which may be appointed in performance of their functions, and for expenses of such special committees."

Sec. 3. The paragraph of such section 3 designated "Sixth," is amended to read as follows:

"Sixth. The superintendent of each public institution for the education of the blind (or his designee) and the chief State school officer (or his designee), of each State and possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, shall each, ex officio, be a member of the Board of Trustees of the American Printing House for the Blind only for purposes of administering this Act."

Sec. 4. The Act entitled "An Act providing additional aid for the American Printing House for the Blind", approved August 4, 1919, as amended (20 U.S.C. 101), is further amended by striking out "the sum not to exceed \$400,000" and inserting in lieu thereof the following: "such sum as the Congress may determine".

Sec. 5. The amendments made by this Act shall be effective immediately after the date of its enactment.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, before the period at the end of line 6 insert the following: ", and by inserting after 'said Act' the following: ', under rules and regulations prescribed by the Secretary of Health, Education, and Welfare,'".

Mrs. GREEN of Oregon. Mr. Speaker, this bill was voted out of the subcommittee and the full committee by a unanimous vote. The ranking Republican on the committee, the gentleman from Pennsylvania has given his full support to this legislation. The purpose of H.R. 9030 is to provide for more Braille textbooks and other special instructional materials for blind children.

Since 1879, the Congress has appropriated funds to the American Printing House for the Blind in Louisville, Ky., to produce and distribute free textbooks for blind children. This program started with a permanent annual appropriation of \$10,000. Since then, the Congress has periodically increased the amount authorized. The present ceiling of \$400,000 annually was set in 1956.

The Special Subcommittee on Education received testimony from all major organizations interested in the welfare of the blind that this sum no longer is adequate to serve the growing number of blind schoolchildren. The subcommittee received this same word from many special schools for blind children as well as administrators of programs for blind children attending regular public schools.

The Federal contribution per blind child has been going downhill in recent years, because the present ceiling leaves no room to expand with the expanding number of blind students. If the \$400,000 ceiling remains, the per capita contribution for this year will be \$25.95, the lowest figure since 1952.

Let us consider, for a moment, a few figures. Just 3 years ago, there were 12,024 blind children served by this program. This fall there will be an estimated 15,800 blind students, an increase of 2,776 in the 3-year period. Yet the authorized maximum appropriation has remained the same.

H.R. 9030 would remove the \$400,000 ceiling, so that the American Printing House for the Blind could base its request for appropriations on the needs of the blind children it serves. The requested funds, would, of course, be subject to review by the Appropriations Committee and the Congress.

The bill, H.R. 9030, also would permit the Printing House to use reasonable sums from its annual appropriations to pay salaries and expenses of experts to assist trustees in determining instructional materials to be supplied. It further would expand the ex officio membership of the Printing House Board of Trustees to include chief State school officers or their designees. This would give representation to blind children in public schools, as those in special schools are now represented.

Mr. Speaker, we have been told that books and other educational material for blind children costs 10 times as much as for those with the gift of sight. I trust that the House will pass this modest bill to aid in educating these handicapped youngsters.

Mr. KEARNS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I should like to say that everyone on our side is very much in agreement with the gentleman from Oregon and approves the bill.

Mr. SMITH of Iowa. Mr. Speaker, I move to strike out the last word.

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SMITH of Iowa. Mr. Speaker, The Congress first recognized a need for legislation in this area in the 45th Congress in 1879. At that time the Congress passed what is now chapter 6 of title 20 of the United States Code. The Congress established a trust fund of \$250,000 and made a permanent appropriation of \$10,000 per year and designated the American Printing House for the Blind as the agency through which benefits should be given.

As the population increased over the years, the appropriations have been increased. Just as with all of the rest of the population, we have an exploding population of blind children of school age. Just as with almost all other goods and services, the cost of production of materials for the blind has also increased. By 1956 the authorization had been increased to \$410,000 per year, and 7,989 children were registered for purposes of the Federal act. That amounted to about \$51 per pupil. By January of this year, the number had jumped to 15,973, and this 1956 authorization now amounts to only about \$25 per pupil.

The number of blind children has increased so that the amount has been cut in half per child, and this does not account for the fact that there has been an increase in the cost of basic materials. It has been estimated that the cost of blind materials for blind children is 10 times greater than those for sighted children. Fifty-two percent of these children are in public schools spread throughout the Nation under thousands of jurisdictions, and this means that a very wide variety of textbooks used in public school systems throughout the country must be provided in a form that the blind children can use.

I think it is apparent from these facts that the authorization must be lifted. It needed to be lifted 2 or 3 years ago, and it seems to me under this situation and in view of the fact that we know that the number of blind children will continue to increase considerably, that we should remove the authorization ceiling so that there can be some flexibility in taking care of this increasing population as it increases.

In view of the fact that 62 percent of these children are in public schools, the bill provides that chief State school officials should be ex officio members of the board of trustees of the printing house. The code specifically sets forth the purposes for which the money can be used. The American Printing House provides braille books, braille magazines, and braille music. It also provides talking books and talking magazines and recorded educational tapes. It also manufactures special aids for use of the blind; such as, relief maps and globes, braille writers and slates, and various appliances to be used in mathematics.

This bill would clarify the act to make sure that some of the money could be

used to secure the benefit of experts to help determine the materials to be supplied and to help distribute information to the State departments of education relative to the most economical and effective use of the materials provided. The entire philosophy has not been to provide financial assistance to States, but rather to create a source of materials not available elsewhere. The Printing House furnishes many services and materials that are paid for through other sources. The total value of materials manufactured and distributed in the last fiscal year amounted to \$1.5 million, or almost four times as much as the contribution by the Federal Government.

It is vitally important that blind children have these materials available to them when they are young and of school age. I imagine many of you know of some person who became blind as an adult, and if you do know such a person, you know that the adjustment for him was much more difficult than if he had been able to prepare for this situation when he was a child in school.

This is the kind of a matter that cannot wait. There are several organizations doing work in this field; including: the American Association of Instructors of the Blind, the American Association of Workers for the Blind, the American Foundation for the Blind, and the National Federation of the Blind. There are also many civic groups and social clubs that make substantial contributions to alleviate the hardships and to provide help in this area, but the aid of the Federal Government in providing these basic materials is very necessary, and I urge adoption of this legislation.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Speaker, I should like to commend the Committee on Education and Labor for this very outstanding piece of legislation. As some members of that committee well know I have been very much interested in it because it will furnish to many of the near-blind help in getting textbooks which they can use in the public schools.

During my service in Congress I have been particularly interested in the welfare of our blind people. One of the problems with respect to the blind that has been of great concern to me has been the lack of special instruction materials available for our visually handicapped young people.

This spring I had the pleasure of having a thorough discussion on this matter with one of my constituents who has had years of experience in connection with the problems of the blind. My constituent, Mrs. John B. Abernathy of Stanley, N.C., called to my attention the restrictions imposed by the act of March 3, 1879, upon the distribution of educational materials for the visually handicapped.

Mrs. Abernathy has a visually handicapped little girl and has been one of the thousands of people in similar positions throughout the country who have experienced great difficulty in securing

the proper type of educational material for their children.

I was so impressed with her knowledge of the problem that I urged her to write our distinguished colleague from West Virginia, Hon. CLEVELAND M. BAILEY, and give him the benefit of her recommendations on the education of the visually handicapped. Mrs. Abernathy corresponded with Mr. BAILEY, and the information she furnished was of great help to him in urging the enactment of legislation to liberalize and extend the provisions of the act of March 3, 1879.

I feel that the enactment of H.R. 9030 will do much to alleviate many of the hardship conditions confronting our visually handicapped in securing appropriate educational material. The additional funds made available under H.R. 9030 will enable a wider distribution of books and special instruction materials for the blind.

I am also pleased that the bill we have under consideration provides that superintendents of each public institution for the education of the blind and the chief State school officer of each State shall be a member of the Board of Trustees of the American Printing House for the Blind for purposes of administering this legislation. By having these educators directly associated with the printing and distribution of educational materials for the visually handicapped I believe we will get a broader and more realistic program for the distribution of educational material for our blind people.

Mr. Speaker, H.R. 9030 does not provide for the appropriation of a large sum of money. It is, however, one of the most important pieces of legislation that we have been called upon to consider at this session of the Congress. I support the passage of H.R. 9030, and I urge that my colleagues in the House join with me in having this bill enacted.

(Mr. WHITENER asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. BURKE of Kentucky. Mr. Speaker, I, too, would like to commend the gentlelady from Oregon as well as the committee for their handling of this bill. As one of the sponsors of the original legislation on this subject I appreciate very much, on behalf of the blind children of the United States, this action.

(Mr. BURKE of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Kentucky. Mr. Speaker, I have prepared a short statement of the history and purposes of the American Printing House for the Blind and the basic Federal act which H.R. 9030 seeks to amend in order to provide basic information to the House for proper consideration of this important legislation.

Activity: Publication of literature for the blind and the manufacture of tangible aids for their use.

Purpose: Provision of a national, non-profit institution for the purpose of pub-

87TH CONGRESS
1ST SESSION

H. R. 8520

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 1961

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:

6 “(e) The Secretary of Agriculture shall not enter into
7 an agreement in the States of North Dakota, South Dakota,
8 and Minnesota to provide financial or technical assistance
9 for wetland drainage on a farm under authority of this Act,

1 if the Secretary of the Interior has made a finding that wild-
2 life preservation will be materially harmed on that farm by
3 such drainage and such finding, identifying specifically the
4 farm and the land on that farm with respect to which the
5 finding was made, has been filed with the Secretary of Agri-
6 culture within 90 days after the filing of the application
7 for drainage assistance: *Provided*, That the limitation against
8 offering such financial and technical assistance shall ter-
9minate one year after the date on which the adverse finding
10 of the Secretary of the Interior was filed unless during that
11 time an offer has been made by the Secretary of the Interior
12 or a State government agency to lease or to purchase the
13 wetland area from the owner thereof as a waterfowl re-
14 source. The provisions of this subsection shall become
15 effective July 1, 1962.”

Passed the House of Representatives September 12,
1961.

Attest:

RALPH R. ROBERTS,

Clerk.

87TH CONGRESS
1ST SESSION

H. R. 8520

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

SEPTEMBER 13, 1961

Read twice and referred to the Committee on
Agriculture and Forestry

87TH CONGRESS
2D SESSION

S. 3400

IN THE SENATE OF THE UNITED STATES

JUNE 12, 1962

Mr. McCARTHY (for himself and Mr. HUMPHREY) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:

6 “(g) The Secretary of Agriculture shall not enter into
7 an agreement in the States of North Dakota, South Dakota,
8 and Minnesota to provide financial or technical assistance
9 for wetland drainage on a farm under authority of this Act,

1 if the Secretary of the Interior has made a finding that wild-
2 life preservation will be materially harmed on that farm by
3 such drainage and such finding, identifying specifically the
4 farm and the land on that farm with respect to which the
5 finding was made, has been filed with the Secretary of Agri-
6 culture within ninety days after the filing of the application
7 for drainage assistance: *Provided*, That the limitation against
8 offering such financial and technical assistance shall terminate
9 (1) one year after the date on which the adverse finding of
10 the Secretary of the Interior was filed unless during that
11 time an offer has been made by the Secretary of the Interior
12 or a State government agency to lease or to purchase the wet-
13 land area from the owner thereof as a waterfowl resource,
14 (2) five years in any event after the date on which such
15 adverse finding was filed, and (3) immediately upon any
16 change in ownership of the land with respect to which such
17 adverse finding was filed. The provisions of this subsection
18 shall become effective July 1, 1962."

87TH CONGRESS
2^D Session

S. 3400

A BILL

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands.

By Mr. McCARTHY and Mr. HUMPHREY

JUNE 12, 1962

Read twice and referred to the Committee on
Agriculture and Forestry

August 1, 1962

11. TERRITORIES. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment S. 2429, to revise the boundaries of the Virgin Islands National Park, St. John, V. I. p. D667
12. MIGRANT WORKERS. Rep. Olsen discussed the problem of education of the children of migrant workers, and said, "If there ever was a cause or reason for Federal funds for education, it is for a program of education of children of agricultural migrant workers." pp. 14326-7
13. FOREIGN AID. Rep. Curtis, Mo., inserted an article by Dr. Hans Morgenthau, "A Political Theory of Foreign Aid." pp. 14332-6

SENATE

14. FARM PROGRAM. Sen. Mansfield stated that the farm bill will not be considered for several days and that the policy committee will probably consider at its meeting next Tues. when to schedule it for debate. p. 14190
Sen. Cooper expressed opposition to including a mandatory feed-grain control program in the farm bill and stated that if the Administration insists on such a program "it will deliberately choose to have no farm bill." p. 14200
Sen. Proxmire expressed opposition to including a mandatory feed-grain control program in the farm bill and urged passage of the bill as reported by the Senate Agriculture and Forestry Committee. pp. 14261-2
15. WHEAT. The Agriculture and Forestry Committee voted to report S. 3574, to extend authority granted under the International Wheat Agreement Act to cover any new or revised wheat agreement. p. D664
Sen. Carlson inserted a Disabled American Veterans resolution opposing shipment of wheat to Communist China. p. 14192
16. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 10802, and acted on the amendment in disagreement (relating to Indian claims) (pp. 14252-5). This bill will now be sent to the President. See Digest 129 for a summary of Forest Service items.
17. FORESTRY. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 3235, to provide authority for more efficient and effective administration of Forest Service programs (p. D664). See Digest 62-63 for provisions of this proposal as submitted by this Department.
The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) S. 3117, to promote the coordination and development of Federal and State outdoor recreation programs. p. D665
The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) S. 1878, to add certain lands to the Wasatch National Forest, Utah. p. D666
18. TREASURY-POST OFFICE APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 10526. This bill will now be sent to the President. pp. 14238-43
19. DEFENSE DEPARTMENT APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 11289. This bill will now be sent to the President. pp. 14243-14251
20. RECLAMATION. The Agriculture and Forestry Committee voted to report with amendment (but did not actually report) H. R. 8520, to limit Federal financial and technical assistance for the drainage of certain wetlands. p. D664

The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 103, with amendment, to authorize construction of the Auburn-Folsom south unit, American River division, Central Valley project, Calif., and S. 892, with amendment, to authorize construction of the Arbuckle reclamation project, Okla. p. D666

The "Daily Digest" states that the Interior and Insular Affairs Committee "adopted a committee resolution requesting the Secretary of the Interior to initiate a study on Federal policies regarding limitations on delivery of water from Federal projects to lands for irrigation purposes in excess of a specific or limited number of acres in individual or family ownership." p. D666

21. PUBLIC LANDS. The Interior and Insular Affairs Committee voted to report with amendment (but did not actually report) H. R. 8134, to authorize the sale of the mineral estate in certain lands. p. D665
22. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: South Sumter and Upper Tampa Bay, Fla.; North Branch Mill Creek Mich.; Nanticoke Creek, N. Y.; Dicks Creek-Little Muddy Creek, O.; Line Creek, Tenn. and Ky.; Kent Creek, Tex.; Bajura, P.R.; and Davis-Battle Creek, Iowa. p. D664
23. FARM LABOR. Sens. Williams, N. J., and Humphrey expressed concern over the welfare of migratory farm workers and inserted several items on the matter. pp. 14207-8, 14218-9
24. HOUSING. The 15th Annual Report of the Housing and Home Finance Agency was received from the President and referred to the Committee on Banking and Currency. p. 14189
25. NOMINATION. The nomination of John Baker as Assistant Secretary of Agriculture and as a member of the Board of Directors of the Commodity Credit Corporation was confirmed without objection. p. 14191
26. PERSONNEL. Proposed legislation to amend the Retired Federal Employees Health Benefits Act with respect to Government contributions for expenses incurred in administration of the Act was received from the U. S. Civil Service Commission and referred to the Committee on Post Office and Civil Service. p. 14191.
27. TRANSPORTATION. Sen. Carlson inserted resolutions opposing the recommendations of the Presidential Railroad Commission and supporting S. 3243, railroad legislation pending in the Commerce Committee.
The Commerce Committee reported without amendment H. R. 11643, to amend the Interstate Commerce Act so that the users of motor-water services between Alaska or Hawaii and the other 48 States may have the same benefits of through routes and joint rates which are enjoyed by users of motor-water services among the other 48 States, and by users of rail-water services or any combination of service with air services among all of the 50 States (S. Rept. 1799). p. 14194
28. CONTRACTS. The Committee on Interior and Insular Affairs reported without amendment H. R. 11405, to provide for maintenance and repair of Government improvements under concession contracts in the National Parks (S. Rept. 1802). / p. 14194 /
29. ELECTRIFICATION. Sen. Goldwater submitted amendments intended to be proposed to S. 3153, to guarantee Pacific Northwest consumers first call on electricity generated at Federal plants in that region. p. 14196

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued August 3, 1962
For actions of August 2, 1962
87th-2d, No. 134

CONTENTS

Adjournment.....7	Farm commodities.....13	Legislative program.....6
Appropriations.....19,20	Farm income.....14	Life insurance.....10
Area redevelopment.....19	Feed grains.....15	Lumber.....9,13,27
Congressional Record.....3	Foreign aid.....22,25	Manpower.....19
Contracts.....17	Foreign trade.....13	Mining.....26
Cotton textiles.....13	Forest products.....9,27	Pay.....2,11
Electrification.....23	Forest Service.....6,8,9	Personnel.....2,10,11
Estes case.....16	Hampton P. Fulmer.....28	Prices.....5
		Purchasing.....18
		Quality stabilization....5
		Reclamation.....21
		Research.....6,17
		Retirement.....10
		Rice.....1
		Science.....6
		Transportation costs.18,24
		United Nations.....12
		Veterans benefits.....4
		Wetlands.....8
		Wheat.....8

HIGHLIGHTS: Sen. Proxmire commended present feed grains program. Senate committee reported bills to extend International Wheat Agreement and to facilitate work of Forest Service. Senate committee voted to report bill to aid domestic lumber industry. Senate committee voted to report bill for retirement credit for certain Federal-State cooperative service. Sen. Hruska criticized increased fees of European Common Market on farm imports. Sens. Bush and Muskie submitted amendments to be proposed to foreign trade bill. Sen. Proxmire expressed concern over decrease in farm income. Sen. Hickenlooper inserted Sen. Mundt's radio interview remarks on Estes case. Senate agreed to conference report on Labor-HSW appropriation bill. House committee voted to report pay bill. House subcommittee voted to report bill to provide for nutritional enrichment of rice.

HOUSE

1. RICE. The Subcommittee on Oil Seeds and Rice of the Agriculture Committee voted to report to the full committee S. 3152, to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under the national school lunch program and other domestic distribution and welfare-type programs. p. D674
2. PERSONNEL; PAY. The "Daily Digest" states that the Post Office and Civil Service Committee "Met in executive session and ordered reported favorably to the House H. R. 9531 (Morrison amendment), to provide for improvement in the statutory salary systems of the Federal Government; to adopt and apply the principle of Government-private enterprise salary comparability." p. D675

3. CONGRESSIONAL RECORD. Agreed to without amendment H. Con. Res. 497, authorizing the Joint Committee on Printing to conduct a study of the Congressional Record with a view to improving its format, index, typography, etc. (pp. 14346-7). Earlier, the House Administration Committee reported this resolution without amendment (H. Rept. 2119). p. 14360
4. VETERANS. The Veterans Affairs Committee reported with amendment H. R. 9962, to provide an extension of the period within which certain educational programs must be begun and completed in the case of persons called to active duty during the Berlin crisis (H. Rept. 2130). p. 14360
5. QUALITY STABILIZATION. The Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee voted to report to the full committee with amendment H. J. Res. 636, to amend the Federal Trade Commission Act so as to promote quality and price stabilization. p. D675
6. LEGISLATIVE PROGRAM. Rep. Albert announced the following legislative program: Mon., the Consent Calendar will be called and the following bills will be considered under suspension of the rules; H. R. 4055, science monetary award medals; H. R. 12688, authorize forestry research; H. R. 9728, increased appropriation, Cooperative Forest Management Act; and S. 3064, Forests, national survey. p. 14348
7. ADJOURNED until Mon., Aug. 6. p. 14360

SENATE

8. AGRICULTURE AND FORESTRY COMMITTEE reported the following bills: p. 14364
~~S. 3574, without amendment, to extend the authority granted under the International Wheat Agreement Act to cover any new or revised wheat agreement (S. Rept. 1804).~~
~~S. 3235, without amendment, to facilitate the work of the Forest Service (S. Rept. 1803). See Digest 62-63 for summary of provisions of this bill.~~
H. R. 8520, with amendments, to limit Federal financial and technical assistance for the drainage of certain wetlands (S. Rept. 1805).
9. FORESTRY. The Commerce Committee voted to report with amendment (but did not actually report) S. 3517, to authorize the Secretary of Commerce to establish and carry out a program to promote the flow of domestically produced lumber in commerce, and "an original bill to encourage the movement of lumber in interstate commerce (introduced in lieu of S. 2737 and S. 3105)." p. D672
10. POST OFFICE AND CIVIL SERVICE COMMITTEE voted to report (but did not actually report) the following bills: p. D673
S. 2365, to allow civil service retirement credit to certain Federal employees for service in certain Federal-State cooperative programs.
S. 3164, with amendment, to increase from 18 to 21 the eligibility age of surviving children to receive benefits of Civil Service Retirement Act.
S. 2937, with amendment, to amend the Civil Service Retirement Act so as to provide for increases in certain annuities, eliminate the option with respect to certain survivor annuities, etc.
H. R. 8564, to provide for the escheat of unclaimed payments under the Government life insurance program to the credit of the life insurance fund.
11. PERSONNEL; PAY. Received from the Joint Committee on Reduction of Nonessential Federal Expenditures the report on Federal employment and pay for June. pp. 14364-9

WETLANDS DRAINAGE

AUGUST 2, 1962.—Ordered to be printed

Mr. McCARTHY, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany H.R. 8520]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands, having considered the same, report thereon with a recommendation that it do pass with amendments.

SHORT EXPLANATION

This bill, with the committee amendments, prohibits assistance under the agricultural conservation program for wetland drainage in North Dakota, South Dakota, and Minnesota on any farm where the Secretary of the Interior finds that wildlife preservation would be harmed thereby and that nondrainage will contribute to wildlife preservation. The prohibition is effective only if the Secretary of the Interior's finding is filed with the Secretary of Agriculture within 90 days after the filing of the application for drainage assistance. The prohibition terminates—

- (1) when the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable,
- (2) one year after the adverse finding unless an offer has been made by the Secretary of the Interior or a State government agency to lease or purchase the wetland area, or
- (3) five years after the adverse finding.

Upon any change in the ownership of the land, its eligibility for drainage assistance would be redetermined.

EXPLANATION OF COMMITTEE AMENDMENTS

The committee amendment to the text of the bill is designed to carry out the purpose of the bill as passed by the House without imposing restrictions not necessary to that purpose. It differs from the bill as passed by the House in that it—

(a) provides for a positive finding that nondrainage of the land will materially contribute to wildlife preservation,

(b) gives the Secretary of the Interior the power to terminate the prohibition at any time,

(c) removes the prohibition in any event after 5 years, if the land has not been purchased or leased as a waterfowl resource,

(d) starts the whole procedure anew upon a change in ownership of the land,

(e) omits the provision making the bill effective July 1, 1962, such date having passed, and

(f) changes the place of inserting the new provision in the Soil Conservation and Domestic Allotment Act, since S. 3225, as passed by the Senate, and H.R. 12391, as passed by the House and as reported in the Senate would add new subsections to section 16, if either of them should become law. Consequently the new provision would be inserted as a new section 16A instead of a new section 16(e).

The committee amendment to the title of the bill results from the change in the proposed place of insertion.

GENERAL BACKGROUND

The wetlands of North Dakota, South Dakota, and Minnesota are primary breeding grounds for migratory waterfowl. The Fish and Wildlife Service carries out a program of leasing or purchasing such wetlands to preserve them for breeding purposes. At the same time farmers may obtain aid under the agricultural conservation program in draining wetlands. Such assistance has been limited in order to preserve wildlife, particularly in North Dakota, South Dakota, and Minnesota; and the Departments of Agriculture and Interior have cooperated to minimize any adverse effect on wildlife from the program. Appropriation act provisions prohibiting changes in the conservation program which would restrict eligibility for cost sharing on practices included in specified prior years have, however, limited the Department of Agriculture's authority to deny assistance for drainage practices.

THE WETLANDS ACQUISITION PROGRAM

The Department of the Interior has been acquiring land for wildlife conservation purposes since the passage of the Migratory Bird Conservation Act of February 18, 1929 (16 U.S.C. 715 et seq.). Since that enactment, the Department has acquired almost 3 million acres (up to the end of fiscal year 1961).

Because of widespread concern among conservationists and sportsmen, as well as the Department of the Interior, that wetland habitat for waterfowl is being lost to drainage, filling, and other causes at a rate much faster than the wetland preservation program of the Department of the Interior could save them through purchase, the Congress approved a program to accelerate the acquisition of lands for migratory

waterfowl purposes. This was accomplished by passage of the act of October 4, 1961 (Public Law 87-383, 87th Cong. (75 Stat. 813)). This act authorizes the appropriation, over a 7-year period, of \$105 million to the Department of the Interior for the acquisition of wetlands “* * * to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat * * *”. This marked the first authorization for appropriations to acquire waterfowl habitat. The lands acquired by the Department of the Interior for waterfowl purposes have previously been financed almost entirely by revenue from duck stamp sales. Public Law 87-383 requires that 75 percent of the moneys accruing to the Federal Government from the sale of duck stamps, beginning with fiscal year 1969, be paid into the Treasury to repay the funds appropriated pursuant to the \$105 million authority.

Public Law 87-383 also incorporates the provision—

That no land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or the appropriate State agency.

The accelerated wetlands acquisition program of the Department of the Interior has been confronted with problems in North and South Dakota, where much of the program is concentrated because of the high value of the eastern parts of these States for waterfowl production. These problems stem from the concern of many people in those States over the loss of local tax revenue which results from acquisition by the Federal Government. Under present law (16 U.S.C. 715s.), 25 percent of the net income from operations on these Government lands, such as fees for grazing, sale of timber, and the like, is paid to counties in which the revenue originates for school and road purposes. There is a relatively low income from such operations in the two Dakotas and Minnesota. This results in low payments to counties.

Several bills have been introduced in the current session of the Congress to remedy this problem, including S. 2770, S. 3201, and S. 2927. The Department of the Interior has reported on those bills and, with the approval of the Bureau of the Budget, has recommended a bill which would provide for the annual payment to the counties of three-quarters of 1 percent of the adjusted cost of the lands held by the United States for wildlife purposes in those counties, regardless of the date of acquisition.

If the purchase or lease of lands for which drainage assistance is requested cannot be consummated because the State Governor or appropriate State agency in accordance with Public Law 87-383 has denied approval of such acquisition, the Secretary of the Interior would be expected to notify the Secretary of Agriculture that the limitation should not be applicable so that the applicant would be free to obtain assistance without regard to the terms of this bill.

The language in the bill referring to purchase or lease includes, among other things, easements or other interests obtained by the Secretary of the Interior from the landowners under which the landowner agrees not to drain, burn, or fill the lands under the easement for the period thereof.

DEPARTMENTAL VIEWS

The Department of Agriculture and the Department of the Interior testified favorably at hearings held by the House Committee on Agriculture, and the Department of Agriculture has reported favorably on a similar Senate bill, S. 2417. Both Departments have assisted the committee in the development of the committee substitute, and both Departments have given it their informal approval.

The reports of the Department of Agriculture and the House Committee on Agriculture both discussed the possibility that the 90-day provision might cause undue delays in drainage assistance in cases where there was no danger to wildlife preservation. The House committee recommended adoption of procedures whereby the Department of Interior could complete its investigation and report in a lesser time. Under the bill the Secretary of the Interior could at any time advise the Secretary of Agriculture that certain lands could be drained without danger to wildlife preservation, so that there would be no delay in giving drainage assistance for such lands. It might be that such advance determination might be made by the Secretary of the Interior with respect to whole counties or areas. The committee is desirous that the bill be carried out in a manner which will provide the necessary protection for wildlife without any unnecessary restrictions, delays, or inconveniences.

The report of the Department of Agriculture on S. 2417 is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 19, 1961.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR SENATOR ELLENDER: This is in response to your letter of August 15, 1961, requesting the views of this Department on S. 2417, a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wet lands.

This Department would favor enactment of S. 2417 if amended to read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding at the end of section 16 thereof the following new subsection:

"(e) The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that waterfowl preservation will be materially harmed on that farm by such drainage and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture: Provided, That the limitation against offering such financial and technical assistance shall terminate one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the

wetland area from the owner thereof as a waterfowl resource. The provisions of this subsection shall become effective July 1, 1962.' "

We recognize that a reasonable length of time will be required by the Secretary of the Interior to carry out his responsibilities under this bill. Therefore, when it could be done without serious detriment to the farmer and to the programs being carried out by the Department of Agriculture we would make every effort to give the Secretary of the Interior notice of proposed drainage at least 60 days in advance of our decision to provide financial or technical assistance. Unless we proceed with this decision within a reasonable length of time after the Secretary of the Interior is notified of proposed drainage, our conservation programs would come to a halt on many farms where drainage would not in any way be detrimental to waterfowl preservation.

As we understand the provisions of this bill, if the Secretary of the Interior were to file with the Secretary of Agriculture a finding that waterfowl preservation would be materially harmed on a farm by drainage of a particular area of that farm, the Secretary of Agriculture could not provide financial or technical assistance for such drainage for a year following the date on which such finding was filed. If at any time during that year the Secretary of the Interior or a State government agency offered the farmer a lease or purchase arrangement in the interest of waterfowl conservation, the Secretary of Agriculture then would be precluded from providing any technical or financial assistance to the owner for such drainage. We assume it to be the intent of this bill that an offer of lease or purchase to one owner of the land would not affect a subsequent owner. We suggest that this intent be manifested in the report of your committee on the bill or in some other appropriate way. Under this construction of the bill, the new owner would have the right to request financial and technical assistance from the Secretary of Agriculture and to have his request considered subject to the provisions of the bill.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Statements of spokesmen of the two Departments appeared in the report of the House Committee on Agriculture as follows:

Statement of the U.S. Department of Agriculture before the Subcommittee on Conservation and Credit of the House Agriculture Committee regarding H.R. 8520 and similar bills, presented by Gladwin E. Young, Deputy Administrator, Soil Conservation Service, August 18, 1961:

The Department of Agriculture welcomes this opportunity to appear before your committee to discuss H.R. 8520, which would prescribe procedures for approval of agreements to furnish financial and technical assistance for agricultural drainage.

We offer no objections to the bill under interpretations we set forth in this statement.

We wish to make it clear that the Department of Agriculture recognizes wildlife as a valuable asset. Through cooperative programs with farmers, this Department is mak-

ing a major contribution to the conservation and development of wildlife resources. These are positive and constructive programs. We need only to mention: (1) The work of the Forest Service, not only in national forests, but also the nationwide programs of farm woodland improvement and protection carried out cooperatively with States; (2) the Soil Conservation Service assistance to farmers and ranchers over the last 25 years to prepare farm conservation plans and watershed projects with provisions for practices of direct, as well as indirect benefit to wildlife, such as 4½ million acres of wildlife area treatment, 39,000 miles of windbreaks, 25,000 miles of hedgerows, and 8½ million acres of range seeding; (3) the conservation practices applied on retired cropland under the conservation reserve program, including more than 2 million acres of trees, 19 million acres of permanent vegetative cover, over 300,000 acres of annual feed and cover crops for wildlife, and over 7,500 acres of cropland converted to marshland management for wildlife; and (4) the tremendous contributions to wildlife that have come from the application of conservation practices by farmers with ACP cost-sharing assistance which include among others 1.7 million water storage reservoirs, 3 million acres of tree and shrub plantings, 7 million acres of timberstand improvement, and 775 million acres of vegetative cover established or improved during the past 25 years.

At the request of the Department of Agriculture new language is included in the 1962 Appropriation Act to provide ACP financial assistance for practices where the direct benefits are for wildlife. This means that beginning with the 1962 program, county and State ASC committees can share with farmers the cost of practices that are of direct benefit to wildlife conservation while at the same time provide other soil and water conservation benefits. Under this authority financial and technical assistance will be given to farmers for the development or restoration of shallow water areas for wildlife, for constructing ponds and dams for wildlife, for wildlife cover and food plots and other practices that will enhance wildlife in a particular county or State.

Wildlife as we know it in the United States is largely an agricultural crop. Like other agricultural crops, its welfare rests mainly in the hands of farmers and ranchers. More than half of the Nation's total land area is in farms and ranches and they produce most of the wildlife for hunters to shoot at or for others to see and enjoy. Our present abundance of agricultural wildlife is due in a large part to the soil, water, and woodland conservation programs that the Department of Agriculture assists landowners to carry out.

We would emphasize strongly that wildlife production and efficient productive farming are not incompatible. They do exist side by side.

On the other hand there is an area of conflict on some farms between maximum use of land for waterfowl production and profitable farm income. Decisions about this conflict in use of land and water rests entirely with the landowners.

Whether to drain land to increase farm income is a decision that can be made only by each farmer.

The area of controversy about drainage that has reached public attention involves drainage assistance given by ACP and SCS to farmers in the prairie pothole areas of Minnesota, North Dakota, and South Dakota.

DEPARTMENT OF AGRICULTURE POLICY ON DRAINAGE

The policy of the Department of Agriculture with respect to drainage is based on the principle that it is possible and it is necessary for waterfowl production and efficient farming to exist side by side. It is based on the fact that national policy has given definition to public interest in both efficient farming and wildlife. A solution to conflict between these two major uses of land cannot be found, therefore, merely by giving one type of use complete priority over the other.

A condensed statement of Department policies for providing drainage assistance is included in a memorandum issued February 21, 1957, by the Administrators of SCS and of the ACP "Guidelines for Applying Policies in Drainage and Biology in the Pothole Section of Minnesota, North Dakota, and South Dakota." A copy of that memorandum is attached to this statement. It is still in force as the basic policy statement of the Department.

This policy is essentially this: Federal funds will not be used to assist in draining land for the purpose of developing new farms nor for the primary purpose of bringing new land into agricultural production. The Department does assist farmers to improve their operating efficiency by helping them to apply improved farming practices, including drainage of existing cropland and pastureland whenever such drainage will contribute to improvement of efficiency on individual farms. Specific instructions to Department field offices direct that in giving assistance for the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat. Soil conservation districts and ASC committees are encouraged to give consideration to wildlife in planning soil and water conservation practices. Anyone who has observed the tremendous beneficial effects of soil and water conservation work on farms could not help but be impressed with the beneficial effects such practices have had on wildlife.

Provisions of the agricultural conservation program limit cost-sharing assistance for drainage to land, based on actual recent use, that is cropland devoted to the production of cultivated crops or crops normally seeded as hay or pasture in the area. Generally land must have a history of such past use for at least 2 of the 5 years preceding that in which the practice is applied. However, in the States of North Dakota, South Dakota, and Minnesota, recognizing the special conditions there regarding wildlife habitat, this eligibility requirement for drainage has been increased by the State and county ASC committees to 3 out of the last 5 years.

There is no question but that efforts to implement these policies have been sincere and have been generally successful. There is no question either that some drainage has been carried out that neither the agricultural staff nor wildlife staff wanted to see drained. The wildlife interests have been seriously handicapped in not having a positive program of wildlife improvement to supplement the efforts of the Department of Agriculture.

In recognition of this, a special cooperative effort has been made during the past year for the Fish and Wildlife Service to review requests for drainage in the prairie pothole area and to report to the country ASC committees those cases where drainage would be harmful to waterfowl.

While this has not been more than a pilot effort, it does give some basis for judging the expansion of essentially this same procedure through legislative direction as proposed in H.R. 8520.

It is not possible nor is it necessary to try to recite here all the steps taken to implement the Department's policies of trying to deal equitably with requests for drainage assistance. It is important, however, for the record to show not only that definite restrictions against drainage are applied by the Department of Agriculture when major wildlife values are involved, but also to show that a positive program of wildlife improvement is promoted with farmers by the Department of Agriculture when helping them with drainage problems.

EXISTING PROVISION OF LAW WHICH PROHIBITS THE SECRETARY FROM MAKING RESTRICTIVE CHANGES IN ACP

For the 1959 and subsequent programs, the language of the appropriation act has provided that no change shall be made in the ACP which will have the effect in any county of restricting eligibility requirements or cost sharing on practices included in specified prior years unless such change shall have been recommended by the county committee and approved by the State committee. This has the effect of continuing any practice which was contained in a county program in the specified base period unless the county ASC committee and State ASC committee recommended its elimination or change. With respect to drainage this means that the Department at the national level does not have the authority to make the eligibility requirements for drainage more restrictive. Neither does it have the authority to deny assistance for drainage practices.

PROVISIONS OF H.R. 8520

H.R. 8520, as we interpret it, would vest in the Secretary of the Interior the authority to interpose a denial of financial and technical assistance for drainage under programs administered by the Department of Agriculture to a specifically identified drainage area on a farm where he has found that wildlife preservation would be materially harmed by such drainage. We do not believe that the Secretary of the In-

terior would make such a finding except where he was certain that the resultant damage to wildlife would so clearly outweigh the public interest in the conservation and use of the land as an agricultural resource that he could and would justify to local people the basis for his action. While the proposed legislation is written to apply nationwide, we understand that the problem to be solved is confined largely to the so-called prairie pothole areas of North Dakota, South Dakota, and Minnesota. We understand also that the proposed legislation if enacted would not delay our going ahead with agreements for financial and technical assistance for drainage of areas on farms regarding which specific adverse findings had not been filed by the Department of the Interior. Unless this were so, our conservation programs would come to a halt in many areas and on many farms where drainage would not in any way be detrimental to wildlife.

Regardless of whether this bill is enacted, the Department of Agriculture expects to continue its active cooperation with the Department of the Interior to find workable solutions to this problem. We expect to continue to promote the conservation of wildlife and to gain the cooperation of farmers to this end. Furthermore, we shall expect to make effective use of the new provision for cost sharing for wildlife practices. We shall continue to restrict financial and technical assistance for drainage to lands already in crops and deny assistance for bringing new land into crop production. We shall continue to emphasize the value of wildlife and its interrelationship with soil, water, and forest conservation on the farms and ranches of the Nation. We expect wildlife conservation to continue to occupy a prominent place in the programs of the Department of Agriculture.

We shall look forward to an expanded positive program of wildlife improvement that will not impose on farmers the costs and sacrifices of maintaining wildlife for the sportsmen of the Nation.

Statement by Daniel H. Janzen, Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, on H.R. 8510 and H.R. 8520, before the Conservation and Credit Subcommittee of the Committee on Agriculture, House of Representatives, August 18, 1961:

Our Department is very much interested in the objectives of H.R. 8510, H.R. 8520, and similar proposed legislation under consideration here today. For more than 10 years the preservation of wetlands valuable for waterfowl has been the most serious and difficult problem of the Bureau of Sport Fisheries and Wildlife. As a result of treaties with Mexico and Canada and implementing statutes, migratory birds have been a responsibility of the Federal Government for over 40 years. During that period a nationwide system of Federal wildlife refuges has been established at considerable public expense to insure the preservation of a nucleus of breeding birds; but most of this effort will have been wasted if the remaining wetlands still in private ownership are converted to other use.

Wetlands are disappearing rapidly. Along our seacoasts and around our cities they are being either filled or drained for housing or industrial development. Throughout the United States, and especially in the Midwest, intensified efforts are being made to drain and reclaim them for agricultural crop production.

In the upper Midwest prairie section, the most important waterfowl breeding area in the United States, thousands of small potholes so desirable for breeding birds are being converted to, and improved for, the production of wheat and corn each year.

Congress has recognized the problem by enacting important wetland preservation legislation.

Three years ago, the Congress earmarked all duck stamp receipts for acquisition of wetlands by purchase or lease, and within the past month the House of Representatives passed a bill calling for an advance of \$150 million to be made available to the Secretary of the Interior over a 10-year period for this program.

We believe that with this current legislation our essential wetlands can be saved, but our program should not continue to be handicapped with a competing Federal program which acts to encourage the elimination of these same wetlands. The similar bills under consideration today should greatly relieve the situation.

We fully appreciate the grave responsibility placed upon us by this legislation. It involves a job of major proportions, but we consider it so important to the success of our overall wetland preservation program that there seems to be no alternative but to undertake this responsibility if Congress agrees this is desirable.

I would like to add that under no circumstances do we question the right of the landowner to drain his own land. The only question is whether Federal funds should be used to encourage him to do so if, in so doing, a valuable public natural resource is, at the same time, being destroyed. Neither are we, as a wildlife conservation agency, questioning all drainage assistance. We intend only to recommend the withholding of Federal assistance when material damage to wildlife is involved. This is how we interpret the language of the proposed legislation.

I hope this committee will give favorable consideration to legislation on this subject.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C., August 22, 1961.

HON. WILLIAM POAGE,
*Chairman, Conservation and Credit Subcommittee, House Committee on
Agriculture, House of Representatives, Washington, D.C.*

DEAR MR. POAGE: At the hearing held on August 18 on H.R. 8510, H.R. 8520, and other bills concerning drainage of wetlands, you indicated that I could expand my statement for the record since time did not permit my testifying on the bills.

There are two matters of considerable concern to us on which I would like to comment. Our first concern is with the time element. We are sure that the Department of Agriculture agrees with us that a program involving the drainage of wetlands, some of which form essential wildlife habitat, is a grave responsibility. The favorable statement of that Department's witness on H.R. 8520 indicates their appreciation of the problem. However, it was implied that it should be the responsibility of the Secretary of the Interior to have a recommendation regarding each application for drainage assistance ready at the time the application is made. An inspection program covering all applications for drainage assistance under the Soil Conservation and Domestic Allotment Act, as amended, will be a tremendous job under the best of circumstances. To anticipate the nature of and to make prior inspection of all potential applications for drainage assistance would be an impossible task.

We believe the Department of Agriculture would agree that the interests of establishing long-term conservation at the least possible public expense would be better served by an alternate method. The most efficient use of funds and personnel would require that the Secretary of the Interior review specific applications for drainage assistance and report his findings to the Secretary of Agriculture within 90 days. The report of our Department would usually be available well in advance of that time.

The subcommittee expressed some interest in a suggestion that the act be amended to set up a definition of wetlands valuable to wildlife which would be satisfactory to all concerned under all conditions. The problem of developing such criteria has plagued the two Departments for years, and actually our inability to establish precise criteria for wetland values is in a large part what has caused the subject legislation to be introduced. The varying requirements of wildlife, particularly waterfowl, at various times of the year, in different latitudes are a complicated picture at best. When the tremendous variability of water supply in many parts of the country is considered, a further complexity is added.

While we believe that the job is one that calls for an expert appraisal, we also recognize the need for guiding principles. For example, we suggest, and we believe the Department of Agriculture would agree, that wetlands of various types and descriptions similar to those for which we consistently make offers, either for purchase or lease, under our acquisition program, are of sufficient value to wildlife that a recommendation for denial of assistance is warranted.

We are no more anxious to withhold drainage assistance from farmers, where such drainage will not adversely affect wildlife, than is the Department of Agriculture. On the other hand, the Department of Agriculture has supported our Department's position that assistance should not be made available to aid in destroying areas that are of value to wildlife. With review of projects as contemplated by this measure, and with judicious appraisal of the wetland values involved, we see no reason to anticipate that our Department would deny assistance in any case except where significant wildlife values exist. The Department of Agriculture has many times gone on record supporting this position and has done so in their statement on this bill.

Sincerely yours,

D. H. JANZEN, *Director.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, as shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

* * * * *

SEC. 16A. The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: Provided, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State Government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: Provided further, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.



Calendar No. 1762

87TH CONGRESS
2^D SESSION

H. R. 8520

[Report No. 1805]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 1961

Read twice and referred to the Committee on Agriculture and Forestry

AUGUST 2, 1962

Reported by Mr. McCARTHY, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Conservation and Domestic Allotment Act,
4 as amended, is further amended by adding at the end of
5 section 16 thereof the following new subsection:

6 “(e) The Secretary of Agriculture shall not enter into
7 an agreement in the States of North Dakota, South Dakota,
8 and Minnesota to provide financial or technical assistance
9 for wetland drainage on a farm under authority of this Act,

1 if the Secretary of the Interior has made a finding that wild-
 2 life preservation will be materially harmed on that farm by
 3 such drainage and such finding, identifying specifically the
 4 farm and the land on that farm with respect to which the
 5 finding was made, has been filed with the Secretary of Agri-
 6 culture within 90 days after the filing of the application
 7 for drainage assistance: *Provided*, That the limitation against
 8 offering such financial and technical assistance shall ter-
 9minate one year after the date on which the adverse finding
 10 of the Secretary of the Interior was filed unless during that
 11 time an offer has been made by the Secretary of the Interior
 12 or a State government agency to lease or to purchase the
 13 wetland area from the owner thereof as a waterfowl re-
 14 source. The provisions of this subsection shall become
 15 effective July 1, 1962."

16 *That the Soil Conservation and Domestic Allotment Act, as*
 17 *amended, is further amended by inserting after section 16*
 18 *thereof the following new section:*

19 "SEC. 16A. The Secretary of Agriculture shall not enter
 20 into an agreement in the States of North Dakota, South
 21 Dakota, and Minnesota to provide financial or technical as-
 22 sistance for wetland drainage on a farm under authority of
 23 this Act, if the Secretary of the Interior has made a finding
 24 that wildlife preservation will be materially harmed on that

1 farm by such drainage and that preservation of such land in
2 its undrained status will materially contribute to wildlife
3 preservation and such finding, identifying specifically the
4 farm and the land on that farm with respect to which the
5 finding was made, has been filed with the Secretary of Agri-
6 culture within ninety days after the filing of the application
7 for drainage assistance: Provided, That the limitation against
8 furnishing such financial or technical assistance shall ter-
9 minate (1) at such time as the Secretary of the Interior noti-
10 fies the Secretary of Agriculture that such limitation should
11 not be applicable, (2) one year after the date on which the ad-
12 verse finding of the Secretary of the Interior was filed unless
13 during that time an offer has been made by the Secretary of
14 the Interior or a State government agency to lease or to pur-
15 chase the wetland area from the owner thereof as a waterfowl
16 resource, or (3) five years after the date on which such
17 adverse finding was filed if such an offer to lease or to pur-
18 chase such wetland area has not been accepted by the owner
19 thereof: Provided further, That upon any change in the
20 ownership of the land with respect to which such adverse find-
21 ing was filed, the eligibility of such land for such financial or
22 technical assistance shall be redetermined in accordance with
23 the provisions of this section."

Amend the title so as to read: "An Act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands."

Passed the House of Representatives September 12, 1961.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands.

SEPTEMBER 13, 1961

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 2, 1962

Reported with amendments

Senate
Committee and assigned to the Banking and Currency Committee. Sen. Jordan, Idaho, was assigned to the Interior and Insular Affairs and Labor and Public Welfare Committees. p. 14920

14. PASSED OVER the following bills:

- ~~S. 3235, to facilitate the work of the Forest Service. p. 14932~~
~~H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands. p. 14935~~
~~H. R. 6413, to extend to fishermen the same treatment accorded farmers in relation to estimated income tax. p. 14944~~

HOUSE

15. FARM PROGRAM. Rep. Johnson, Wis., criticized the CED report saying it is a "callous proposal to drive 2 million farm families off the land and into the cities during the next 5 years," and inserted statements of several farm organization representatives opposing the report. pp. 14856-62
16. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) the following bills:
S. 1023, to provide for the construction, operation, and maintenance of additional features of the Talent division of the Rogue River Basin reclamation project, Ore.;
H. R. 7811, to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;
H. R. 2796 (amended), to provide for the renewal of certain long-term water supply contracts under the Reclamation Project Act;
S. 2179, to make additional provision for irrigation blocks;
S. 1060 (amended), to construct, operate, and maintain the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Wash. p. D700
17. TENNESSEE VALLEY AUTHORITY. The Government Operations Committee issued a report, "Tennessee Valley Authority Urgent Purchases" (H. Rept. 2152). p. 14872
18. MEDALS. By a vote of 193 to 177, failed to pass under suspension of the rules (a two-thirds majority being necessary under suspension proceedings) H. R. 4055, to authorize the payment of a monetary award to recipients of the National Medal of Science. pp. 14828-9
19. PURCHASING. The Rules Committee reported a resolution for the consideration of H. R. 1341, to require passenger carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards. pp. 14828, 14872
20. APPROPRIATIONS. Conferees were appointed on H. R. 11151, the legislative branch appropriation bill, 1963. Senate conferees have already been appointed. pp. 14831-3
21. BUILDINGS. Passed without amendment H. R. 11880, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, including funds for agricultural attache housing. p. 14829
22. STOCKPILING. The Armed Services Committee reported without amendment H. Con. Res. 509, providing the express approval of Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act, for the disposition of certain materials from the national stockpile (H. Rept. 2157). p. 14872
23. RESEARCH. The Agriculture Committee reported without amendment H. R. 12712, to

assist the States to provide additional facilities for research at the State agricultural experiment stations (H. Rept. 2155). p. 14872

24. PERSONNEL. The Government Operations Committee reported without amendment H. R. 9957, to amend Sec. 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental U. S. (H. Rept. 2153). p. 14872
25. COMMUNICATIONS. The Government Operations Committee voted to report (but did not actually report) with amendment H. R. 11899, to amend the Federal Property and Administrative Services Act of 1949 to provide for a Federal telecommunications fund. p. D700
26. LIBRARIES. The General Subcommittee on Education of the Education and Labor Committee voted to report to the full committee with amendment H. R. 11823, to amend the Library Services Act in order to make areas lacking in public libraries, or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that act. p. D700
27. LANDS; RESEARCH. The Government Operations Committee voted to report (but did not actually report) with amendments H. R. 10134, to convey certain ARS land in Prince Georges County, Md., to the American National Red Cross. p. D700
28. EDUCATION. Rep. Quie favorably discussed H. R. 8900, the proposed College Academic Facilities Act. pp. 14862-71

ITEMS IN APPENDIX

29. FORESTRY RESEARCH. Speech in the House by Rep. Pirnie favoring cooperative forestry research programs. p. A6062
30. MIGRANT WORKERS. Extension of remarks of Rep. Joelson urging House action on Senate-passed bills to aid migratory farmworkers. p. A6063
31. FARM PROGRAM; MARKETING. Extension of remarks of Rep. Hoeven inserting an address by Rep. Nelsen. "The Farmer's Market Is Worldwide." pp. A6067-9
32. ELECTRIFICATION. Extension of remarks of Rep. Utt inserting correspondence in opposition to the Pacific Northwest regional power preference bills. pp. A6070-1
33. NATURAL RESOURCES. Extension of remarks of Rep. Bolton inserting an article, "Who Conserves Our Resources?" pp. A6072-3
34. FOREIGN AID. Extension of remarks of Rep. O'Konski criticizing the foreign aid program and the imports of products as a "process of giving away the jobs of American workers." p. A6078
35. SUGAR. Extension of remarks of Rep. Dent expressing concern over the "continuing problems that beset the sugar import-export and subsidy policies of our Nation," and inserting an address which touches upon other phases of the relationship of the sugar-exporting nations with the economics of trade. pp. A6087-9
36. ECONOMICS. Extension of remarks of Rep. Younger inserting an article, "The Developing Dialog on Economic Growth." pp. A6089-92

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 20, 1962.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for consideration by the Congress a draft of legislation which would amend the International Wheat Agreement Act of 1949, as amended, to extend the authority contained in the act to implement the 1962 International Wheat Agreement to which the Senate has given its advice and consent for ratification.

Enactment by the Congress of this proposed implementing legislation is recommended. Under its provisions certain action is authorized to secure the benefits and discharge the obligations of the United States under the agreement, upon the expected entry into force of the operational provisions of the agreement on August 1, 1962. This proposed legislation also is being submitted to the Speaker of the House of Representatives.

The current agreement, by its own terms, expires on July 31, 1962. The 1962 agreement in effect continues it, with some revisions, for a period ending July 31, 1965. The rights and obligations under the new agreement are similar to those in the 1959 agreement. Each importing country undertakes, when prices are within the agreement range, to purchase from member exporting countries a specified percent of its total commercial purchases from all sources, whatever that total may be. Exporting countries in association with one another undertake to make wheat available to member importing countries at prices within the range to enable them to fulfill their obligations, except that if prices reach the maximum, exporting countries then are obligated to furnish importing countries with certain quantities based on historical commercial trade during a previous period, before prices may move above the maximum. In the 1962 agreement, the maximum and minimum prices are 12½ cents per bushel higher than those of the 1959 agreement; namely, \$2.02½ and \$1.162½, respectively, in terms of a basic wheat at a basing point at the head of the Great Lakes.

The new agreement, like previous ones, covers commercial transactions. As defined in the agreement, this excludes such exports as those pursuant to Public Law 480, bilateral barter, and credit sales where the terms do not conform with those prevailing commercially.

The International Wheat Agreement Act of 1949, as amended, authorizes the President, acting through the Commodity Credit Corporation, to make available or cause to be made available, such quantities of wheat and wheat flour and at such prices as are necessary to exercise the rights, obtain the benefits, and fulfill the obligations of the United States, and to take certain other action necessary in the implementation of the agreement. Pursuant to this authority the Commodity Credit Corporation has made wheat available by making export payments-in-kind on wheat and cash payments on wheat flour, to commercial exporters, and by the sale to commercial exporters of wheat acquired by the Commodity Credit Corporation under its price-support program; all in connection with exports to importing countries which were members of the wheat agreement. The rate of payment on commercial exports represents the difference between the price of wheat on the domestic market and the selling price of such wheat under the agreement. All transactions are reported to the International Wheat Council for recording.

The 1962 agreement recognizes provisional membership to accommodate those countries which participated in the negotiations but whose legislatures do not find it possible to

ratify before the agreement comes into force. In such a case an interim instrument is deposited; i.e., an intention to seek acceptance or accession in accordance with the country's constitutional procedures. The provisional membership will expire upon deposit of the full instrument of acceptance or upon expiry of the period granted for its deposit, but in no case later than July 16, 1963.

The accompanying draft legislation is intended to cover all exports by the United States of wheat and wheat flour which qualify to be recorded by the International Wheat Council as commercial purchases by member, and provisional member, importing countries.

The President's budget for fiscal year 1963 assumes that the International Wheat Agreement will be extended, and a proposed appropriation of \$81,218,000 is included for this purpose in the budget. In the event that the act is not extended, costs of wheat exports would be financed from funds of the Commodity Credit Corporation.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary

BILLS PASSED OVER

The bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act to limit financial and technical assistance for drainage of certain wet lands, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

The bill (H.R. 10743) to amend title 38, United States Code, to provide increases in rates of disability compensation, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3597) to amend title 38, United States Code, to permit for one year the granting of national service life insurance to certain veterans heretofore eligible for such insurance, was announced as next in order.

Mr. MANSFIELD. Mr. President, I believe the bill is not the type which should be considered on the basis of a call of the calendar, so I ask that it go over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

TWO-YEAR EXTENSION OF SUSPENSION OF DUTIES ON CERTAIN LATHES

The bill (H.R. 11400) to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1808), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 11400 is to continue for 2 years, until August 7, 1964, the existing suspension of duties on copying lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one size shoe from a single size model of a shoe last.

GENERAL STATEMENT

Public Law 1012 of the 84th Congress, approved August 6, 1956, transferred from the dutiable to the free list of the Tariff Act for a period of 2 years, by amendment of paragraph 1643 of the Tariff Act of 1930, "Copying lathes used for making rough or finished shoe lasts from models of shoe lasts and, in addition, capable of producing more than one size shoe last from a single size model of a shoe last." The suspension of duties has been in effect continuously since that time, 2-year extensions having been enacted on May 16, 1958 (Public Law 85-416), and on June 30, 1960 (Public Law 86-562). H.R. 11400 would continue the suspension for a further 2-year period, until August 7, 1964.

The suspension of duty was made in order to make available to domestic shoe-last manufacturers highly specialized and expensive copying lathes which can only be obtained from foreign sources. The Commerce Department, in recommending enactment of this legislation advised that "the domestic shoe-last manufacturing industry is very much interested in these lathes, since they greatly increase the production of shoe lasts per unit of investment and production costs. This type of equipment is available only from foreign sources. The duty is 13¼ percent, and continuance of the suspension will benefit the shoe-last manufacturing industry without detriment to domestic equipment producers."

The U.S. Tariff Commission states that "it is believed that the lathes being imported are primarily for the use of last manufacturers who find it necessary to replace their older type lathes in order to remain competitive," and that the Commission "has been apprised of no complaints from domestic interests against the suspension of duties."

ARBUCKLE RECLAMATION PROJECT, OKLAHOMA

The Senate proceed to consider the bill (S. 892) to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 21, after "(72 Stat. 319)", to insert a comma and "as amended"; on page 3, line 19, after the word "purposes", to insert "so long as the space designated for those purposes may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation"; on page 4, line 10, after the word "to", to strike out "the project water users" and insert "a water users' organization"; on page 6, line 9, after the word "the", to strike out "preservation and propagation" and insert "conservation and development"; and after line 15, to strike out:

Sec. 9. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

And, in lieu thereof, to insert:

SEC. 9. There is authorized to be appropriated for construction of the Arbuckle reclamation project the sum of \$13,340,000 (March 1962 prices), plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the Arbuckle Federal reclamation project, Oklahoma, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), for the principal purposes of storing, regulating, and furnishing water for municipal, domestic, and industrial use, and for controlling floods and for the conservation and development of fish and wildlife, and the enhancement of recreational opportunities. The project shall consist of the following principal works: A reservoir on Rock Creek near Sulphur, Oklahoma, pumping plants, pipelines, and other conduits for furnishing water for municipal, domestic, and industrial use, and minimum basic recreational facilities.

SEC. 2. In constructing, operating, and maintaining the Arbuckle project, the Secretary shall allocate the costs thereof among different functions resulting from multiple-purpose development under the following conditions:

(a) Allocations to flood control, recreation, and the conservation and development of fish and wildlife shall be nonreimbursable and nonreturnable under the reclamation laws;

(b) Allocations to municipal water supply, including domestic, manufacturing, and industrial uses, shall be repayable to the United States by the water users through contracts with municipal corporations, or other organizations as defined by section 2, Reclamation Project Act of 1939 (53 Stat. 1187) under the provisions of the Federal reclamation laws, and to the extent appropriate, under the Water Supply Act of 1958 (72 Stat. 319), as amended. Such contracts shall be precedent to the commencement of construction of any project unit affecting the individual municipality or industrial users, and shall provide for repayment of construction costs allocated to municipal water supply in not to exceed fifty years from the date water is first delivered for that purpose: *Provided*, That the water users' organization be responsible for the disposal and sale of all water surplus to its requirements, and that the revenues therefrom shall be used by the organization for the retirement of project debt payment, payment of interest, and payment of operation and maintenance cost. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue;

(c) Upon the completion of the payment of the water users' construction cost obligation, together with the interest thereon, the water users, their designee or designees, shall (1) have a permanent right to the use of that portion of the project allocable to municipal water supply purposes so long as the

space designated for those purposes may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation, subject, if the project is then operated by the United States, to payment of a reasonable annual charge to the Secretary of the Interior sufficient to pay all operation and maintenance charges and a fair share of the administrative costs applicable to the project; (2) be conveyed title to such portions of the pipelines and related facilities as are used solely for delivering project water to the water users.

SEC. 3. Contracts may be entered into with the water users' organization pursuant to the provisions of this Act without regard to the last sentence of subsection (c) of section 9 of the Reclamation Project Act of 1939.

SEC. 4. The Secretary is authorized to transfer to a water users' organization the care, operation, and maintenance of the works herein authorized and, if such transfer is made, may deduct from the obligation of the water users the reasonable capitalized equivalent of that portion of the estimated operation and maintenance cost of the undertaking which, if the United States continues to operate the project, would be allocated to flood control and fish and wildlife purposes. Prior to taking over the care, operation, and maintenance of said works, the water users' organization shall obligate itself to operate them in accordance with criteria specified by the Secretary of the Army with respect to flood control and the Secretary of the Interior with respect to fish and wildlife and recreation.

SEC. 5. Construction of the Arbuckle project herein authorized may be undertaken in such units or stages as in the opinion of the Secretary best serve the project requirements and the relative needs for water. Repayment contracts negotiated in connection with each unit or stage of construction shall be subject to the terms and conditions of section 2 of this Act.

SEC. 6. The Secretary may (1) contract for the construction of any part of the minimum basic recreational facilities with any qualified agency of the State of Oklahoma or a political subdivision thereof, and (2) upon conclusion of a suitable agreement with any such agency or political subdivision for assumption of the administration, operation, and maintenance thereof at the earliest practicable date, construct or permit the construction of public park and recreational facilities on lands owned by the United States adjacent to the reservoir of the Arbuckle project, when such use is determined by the Secretary not to be contrary to the public interest, all under such rules and regulations as the Secretary may prescribe. No recreational use of any area to which this section applies shall be permitted which is inconsistent with the laws of the State of Oklahoma for the protection of fish and game and the protection of the public health, safety, and welfare. The Federal costs of constructing the facilities authorized by this section shall be limited to the nonreimbursable costs of the Arbuckle project for minimum basic recreational facilities as determined by the Secretary.

SEC. 7. The Secretary may make such reasonable provision in connection with the works of the Arbuckle Federal reclamation project, in accordance with section 2 of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661, and the following), as he finds to be required for the conservation and development of fish and wildlife.

SEC. 8. Expenditures for Arbuckle Reservoir, and the water supply aqueduct system, may be made without regard to the soil

survey and land classification requirements of the Interior Department Appropriation Act, 1954 (43 U.S.C. 390a).

SEC. 9. There is authorized to be appropriated for construction of the Arbuckle reclamation project the sum of \$13,340,000 (March 1962 prices), plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1809), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 392, is to authorize construction by the Secretary of the Interior of the multiple-purpose Arbuckle project in south-central Oklahoma. Through the regulation and storage of the flows of Rock Creek, a tributary of the Washita River, the project is designed to provide municipal, domestic, and industrial water supplies, flood control, and fish and wildlife and recreational opportunities.

The communities in the area that would be served by this project have long recognized the need for a dependable water supply but the urgency of the situation became evident during the severe drought of the 1950's. During this period the communities experienced serious shortages of water, even for human consumption and fire protection. At the peak of the drought in 1956, the use of water had to be rationed in the project area. All springs in the area went dry and the water level in the wells dropped as much as 18 feet. While a number of new wells had been drilled recently, the underground water supply is not considered a firm source for meeting the needs in the project area.

In addition to the drought conditions which have prevailed in the area, the communities are experiencing a rapid expansion in population which creates an ever-expanding need for water.

Although the flood-control benefits from the project are not high, they are important. The reservoir would reduce periods of downstream flooding with the suffering and damage consequent thereto. The storage of floodwater in the reservoir during the period of the project operation study, 1922 to 1958, would have prevented all flooding along Rock Creek and reduced the magnitude of floods on the Washita River. Fishing, hunting, and other recreational opportunities in this area are inadequate and the Arbuckle project would assist in meeting these ever-expanding needs.

PLAN OF DEVELOPMENT AND OPERATION

The plan of development provides for construction of the Arbuckle Dam and Reservoir on Rock Creek, a tributary of the Washita River, about 6 miles southwest of the city of Sulphur. The dam would be a rolled-earth type, 139 feet in height, and the reservoir would have a capacity of about 226,000 acre-feet. A total of 45 miles of pipelines, consisting of three separate lines, would deliver water to the project water users. Water treatment and purification would not be a responsibility of the Federal Government.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued August 24, 1962
For actions of August 23, 1962
87th-2d, No. 150

CONTENTS

ACP.....4	Experiment stations.....22	Household goods.....30
Adjournment.....23	Extension work.....36	Information.....19
Agricultural	Farm program.....1,27	Lands.....2,7,18,32
appropriations.....14,42	Feed grain.....31	Labeling.....20
Air pollution.....16	Food stamps.....24	Legislative program..14,22
Appropriations.....14,42	Foreign aid.....10	Minerals.....7,18,41
Cooperatives.....6	Foreign trade.....11,25,34	Monopolies.....9,26,37
Drugs.....9	Forestry.....2,22	Pamphlets.....19
Education.....35	Golden Eagle.....40	Personnel.....30
Eggs.....33	Holidays.....8	Prices.....20,37
		Property.....35
		Public works.....21,22,28
		Purchasing.....13
		Research.....5,22,29,38
		Reservoirs.....17
		Sec. 32 funds.....2
		Taxation.....6
		Trademarks.....37,39
		Watersheds.....3
		Wetlands.....4
		Wheat.....22,31
		World Food Congress.....12

HIGHLIGHTS: Sen. Humphrey commended farm bill as passed by Senate. Senate passed bill to transfer Sec. 32 funds to Commerce for lumber research. Senate committee reported bill to authorize joint watershed surveys by USDA and Army. Senate received State proposal for holding World Food Congress. Rep. Schwengel opposed passage of public works acceleration bill.

SENATE

1. FARM PROGRAM. Sen. Humphrey reviewed and commended the provisions of the farm bill as passed by the Senate, expressed regret that it did not contain a dairy provision, and stated that "We can improve upon it and we will improve upon it, but we have made a good start in adopting an effective program for American agriculture." pp. 16374-5
2. FORESTRY. Passed as reported S. 3517, to provide for the transfer from this Department to the Commerce Department Sec. 32 funds equal to 50 percent of the gross receipts from the duties collected on lumber, flooring, mouldings, and plywood for research and experimentation on lumber production and marketing. p. 16289

The Subcommittee on Public Lands of the Interior and Insular Affairs Committee approved for full committee consideration with amendment S. 3335, to authorize the transfer of land in Mont. from the Beaverhead National Forest to the Big Hole National Battlefield. p. D761

3. WATERSHEDS. The Public Works Committee reported without amendment H. R. 3801, to authorize the Secretary of the Army and the Secretary of Agriculture to make joint surveys and investigations of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water (S. Rept. 1910). p. 16284
4. WETLANDS. Passed as reported H. R. 8520, to prohibit assistance under the agricultural conservation program for wetland drainage in N. Dak., S. Dak., and Minn. on any farm where the Secretary of the Interior finds that wildlife preservation would be harmed thereby and that nondrainage will contribute to wildlife conservation. pp. 16288-9
5. RESEARCH. Passed without amendment H. R. 6984, to provide that provision may be made in cost-type research and development contracts (including grants) with universities, colleges, and other educational institutions for payment of reimbursable indirect costs on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred. This bill will now be sent to the President. p. 16289
6. TAXATION. As reported (see Digest 145), H. R. 10650, the proposed Revenue Act of 1962, provides that cooperatives are to receive a deduction for patronage dividends paid to the patrons in cash or by allocations if the patron has the option to redeem the allocations in cash during a 90-day period after issuance, or consents to treating this income as constructively received and reinvested in the cooperative. The patron may give his consent individually in writing, the cooperative may by its bylaws require members to give this consent, or patrons may give their consent by endorsing a check representing at least 20 percent of the total patronage dividend. At least 20 percent of the patronage dividend must be paid in cash for any allocation to be deductible to the cooperative. Any of the amounts which are deductible to the cooperative must be included in the income of the patron for tax purposes when received if the amounts arise from business activity of the patron. (These provisions do not apply to REA cooperatives). Also, the bill includes a provision permitting farmers to deduct, in computing their Federal income tax, expenditures incurred by them in clearing land to make it suitable for farming, up to \$5,000 or 25 percent of the taxable income from farming for the year, whichever is the lesser.
7. LANDS; MINERALS. The Commerce Committee reported with amendments S. 2138, to provide that a greater percentage of the income from lands administered by the Fish and Wildlife Service be returned to the counties in which such lands are situated (S. Rept. 1919). p. 16284
The Subcommittee on Public Lands of the Interior and Insular Affairs Committee approved for full committee consideration with amendments S. 3451, to provide relief for residential occupants of unpatented mining claims upon which valuable improvements have been placed, and S. 3160, to amend the act of March 8, 1922, so as to extend its provisions to the townsite laws applicable to Alaska. p. D761
8. HOLIDAYS. Passed without amendment S. J. Res. 217, to make Sept. 17 each year a legal holiday to be known as Constitution Day. p. 16292
9. DRUGS; MONOPOLIES. By a vote of 78 to 0, passed with amendments S. 1552, to amend and supplement the antitrust laws with respect to the manufacture and distribution of drugs. pp. 16302-30, 16333-60

of 1954 to provide a credit for investment in certain depreciable property, to eliminate certain defects and inequities, and for other purposes, which would eliminate the proposed tax deduction for lobbying expenses by business groups, and I ask unanimous consent that it be printed in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment was ordered to lie on the table, as follows:

On page 38, beginning with line 17, strike out all through line 21 on page 40 (section 3 of the bill, relating to appearances, etc., with respect to legislation).

Mr. PROXMIER. Mr. President, I oppose the tax deduction for lobbying expenses because it would give a wholly unjustified tax advantage to those who stand to make a profit out of legislation. At the same time it would seriously handicap those who battle for their ideals and the ideals themselves.

Contributions to lobbying organizations that fight for their principles—be they left, right, or center—are not tax deductible. For example, groups like the American Civil Liberties Union, the League of Women Voters, and the Americans for Constitutional Action have no such tax advantage.

But if this provision is enacted, special interest business groups, whose financial interests will often run counter to the public interest, will get a juicy tax break. The same benefit will not be available to the nonbusiness lobby organizations. This means the public interest will have the cards stacked against it whenever it comes up against the dollar sign.

The lobbying deduction is flatly opposed by the Treasury. It was inserted into the tax bill at the last minute in the House of Representatives. No hearings on it were conducted by the House Ways and Means Committee.

This provision makes a mockery of tax reform. Instead of plugging a loophole, it opens one wide enough to drive a truck through. Business firms and groups will be able to deduct costs of direct lobbying, promoting legislation, contacts with Congressmen, lobbying and contacts with State and local officials and legislatures, and expenses incurred by trade associations in propagandizing a particular view of their members.

It is a sweeping departure from the long-established principle that only expenses "ordinary and necessary" to the income-producing conduct of business shall be tax deductible. I strongly hope it will be rejected.

From a legal standpoint, section 3 of the bill represents a change in a long-standing principle which has been supported on several occasions by Federal courts, including the Supreme Court. The Internal Revenue Code provides for deductions only for "ordinary and necessary" expenses. It is far outside the "ordinary and necessary" income-producing procedures of business to attempt to influence legislative decisions. While

the Treasury Department has apparently not attempted to enforce fully its present regulations, dereliction of duty should not be a justification for legislative change.

The proposed change can be criticized on equity grounds. It clearly and explicitly discriminates in favor of business lobbying and against lobbying by private citizens or individual specialists. Thus the provision serves to rig the odds against legislation for the general well-being, and in favor of specialized legislation for the few. It is difficult enough at present for the individual legislator to obtain information on both sides of the questions upon which we must legislate. In effect, the new provision means that some tax funds now coming to Uncle Sam will be returned to businesses and trade associations in order that they can present their case more effectively, while at the same time discouraging individuals, who presumably have less capacity to meet lobbying costs, from incurring those costs. Thus the flow of information to legislators is diverted so that it comes more freely from certain sources and is less available from other sources.

The proposed section can be criticized on economic grounds. The Federal Government, through this measure, will be subsidizing the diversion of resources away from productive output for the benefit of the national economy into specialized propagandizing purposes designed solely to benefit the few. These proposed deductions are not equivalent to deductions for advertising. Advertising is intended to disseminate knowledge to the many about products which are available in the market. The proposed deductions are for expenses designed to influence the few for the special benefit of a few.

The proposed provision on lobbying expenses will discriminate against certain nonprofit lobbying organizations, such as the Leagues of Women Voters. These organizations, like industry trade associations, are usually nonprofit and are generally not subject to tax on their own activities. However, contributions to these organizations, like contributions to industry trade associations, are only deductible by the contributors to the extent that the contributions are not used by the associations to support lobbying activities. Section 3, of H.R. 10650, would permit contributions to trade associations to be deductible even though the contributions were used by the trade associations for lobbying purposes. This change would be made on the grounds that the contributions were "ordinary and necessary" business expenses. However, contributions to organizations such as the League of Women Voters would not be deductible to the extent that the league engaged in lobbying activities because the contributions in that case—under the proposed bill—would not be considered as "ordinary and necessary" business expenses. Therefore, the bill tends to discriminate in favor of lobbying activities by industry trade associations and against lobbying activities by certain other groups which have been of

great assistance to legislators in the past.

PHILIPPINE WAR DAMAGE CLAIMS—AMENDMENTS

Mr. LONG of Louisiana (for himself and Mr. KEATING) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 11721) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of \$73 million for that purpose, which were ordered to lie on the table and to be printed.

Mr. KEATING. Mr. President, I send to the desk two amendments, one offered on behalf of myself and Senators JAVIRS and CASE, intended to be proposed to the Philippine war damage claims bill, relating to the sale of vested assets of the General Analine Co. The other amendment I am offering on behalf of my colleague from New York [Mr. JAVIRS] and myself, to the same bill, relating to the settlement of heirless property claims.

I will also cosponsor an amendment to the Philippine war claims bill, to be offered by the distinguished Senator from Louisiana [Mr. LONG].

All these amendments are designed to permit a final settlement of the American war claims problem on a fair and equitable basis. Certainly if we are to provide for additional payments to Philippine citizens—which I favor—we should at least take some cognizance of the 17-year-old problem relating to American war claims.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

TRADE EXPANSION ACT OF 1962—AMENDMENT

Mr. SALTONSTALL. Mr. President, I submit an amendment to the bill (H.R. 11970) to promote the general welfare, foreign policy, and security of the United States through international trade agreements and through adjustment assistance to domestic industry, agriculture, and labor, and for other purposes, on behalf of myself, my colleague, the junior Senator from Massachusetts [Mr. SMITH], the Senators from Connecticut [Mr. BUSH and Mr. DONN], and possibly some other Senators whose names may be submitted at a later time, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Finance.

Mr. SALTONSTALL. The amendment is designed to prevent dumping of foreign government surplus firearms and ammunition which has become a serious problem for American companies. In its report on the Anti-Dumping Law Amendments of 1958, the Senate Finance Committee stated:

The antidumping feature of our Tariff Act is of considerable importance in protecting domestic industries from inroads of foreign goods sold or offered for sale at less than fair value.

Unfortunately, however, the antidumping law as presently written does not effectively prevent the dumping of foreign government surplus merchandise.

The industry which appears to be most affected by this loophole in the antidumping law is the sporting arms industry. There has been an increase of 300 percent in firearms imported since 1956 with the result that low-cost surplus rifles have usurped 37 percent of the American demand for sporting center-fire rifles. Since 1956 more than 1 million surplus military rifle imports have been dumped in the U.S. market bearing average import value of under \$4 apiece, less than one-tenth of the least expensive comparable American product.

Unless some remedy is provided, the capability of the industry to survive and to meet its traditional responsibilities in a time of national emergency could be seriously weakened. The proposed amendment would bring the antidumping law into operation when foreign government surplus merchandise is imported at a price that is less than its cost of production determined in the manner provided by law.

I hope the amendment will be referred to the Finance Committee, which is studying the subject and is in executive session on the whole foreign trade bill.

AMENDMENT OF UNITED STATES CODE RELATING TO MAILING OF CERTAIN READING AND OTHER MATERIALS FOR USE OF BLIND PERSONS—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of August 16, 1962, the name of Mr. JOHNSTON was added as an additional cosponsor of the bill (S. 3647) to amend sections 4653 and 4654 of title 39, United States Code, with respect to the mailing of certain reading and other materials for the use of blind persons, introduced by Mr. CURTIS (for himself and other Senators) on August 16, 1962.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations I desire to announce that yesterday the Senate received the nomination of Tom Killefer, of Virginia, to be Executive Director of the Inter-American Development Bank for a term of 3 years, vice Robert Cutler, resigned.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the

House had disagreed to the amendments of the Senate to the bill (H.R. 8134) to authorize the sale of the mineral estate in certain lands; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EDMONDSON, Mr. ROGERS of Texas, Mr. MORRIS, Mr. SAYLOR, and Mr. WHARTON were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Arizona; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EDMONDSON, Mr. ROGERS of Texas, Mr. MORRIS, Mr. SAYLOR, and Mr. WHARTON were appointed managers on the part of the House at the conference.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 1005. An act to amend section 10 and section 3 of the Federal Reserve Act, and for other purposes;

S. 1781. An act for the relief of the heirs of Lt. Col. James Murray Bate (deceased) and Maj. Billie Harold Lynch (deceased);

S. 1849. An act for the relief of Stephen S. Chang;

S. 2179. An act to amend section 9(d) (1) of the Reclamation Project Act of 1939 (53 Stat. 1187; U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes;

S. 2256. An act to amend section 5 of the War Claims Act of 1948 to provide detention and other benefits thereunder to certain Guamanians killed or captured by the Japanese at Wake Island;

S. 2574. An act for the relief of Constantina Caralscou;

S. 2686. An act for the relief of Stepanida Losowskaja;

S. 2736. An act for the relief of Arie Abramovich;

S. 2751. An act for the relief of Susan Gudera, Heinz Hugo Gudera, and Catherine Gudera;

S. 2835. An act for the relief of Sleu-Yoeh Tsai Yang;

S. 2862. An act for the relief of Mai Har Tung;

S. 2876. An act to extend for 1 year the authority to insure mortgages under section 809 and 810 of the National Housing Act;

S. 3016. An act to amend the act of March 2, 1929, and the act of August 27, 1935, relating to load lines for oceangoing and coastwise vessels, to establish liability for surveys, to increase penalties, to permit deeper loading in coastwise trade, and for other purposes;

S. 3039. An act for the relief of Bartola Maria S. La Madrid;

H.R. 3728. An act to amend chapter 11 of title 38, United States Code, to authorize special consideration for certain disabled veterans suffering blindness or bilateral kidney involvement;

H.R. 8564. An act to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such

act in the absence of any claim for payment, and for other purposes;

H.R. 10651. An act to amend title 28, United States Code, with respect to fees of United States marshals, and for other purposes;

H.R. 11523. An act to authorize the employment without compensation from the Government of readers for blind Government employees, and for other purposes;

H.R. 12355. An act to amend the law relating to the final disposition of the property of the Choctaw Tribe;

S. J. Res. 132. Joint resolution extending recognition to the International Exposition for Southern California in the year 1966 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition; and

S. J. Res. 179. Joint resolution authorizing and requesting the President to designate April 21, 1963, as a day for observance of the courage displayed by the uprising in the Warsaw ghetto against the Nazis.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. RANDOLPH:

Letters and pamphlets describing recent achievements of the Office of Vocational Rehabilitation, HEW, and the President's Committee on Employment of the Handicapped, in promoting more widespread job opportunity for the handicapped.

Letter from Hon. L. Leo Kohlbecker, chairman, the Mayor's Commission on Human Relations, Charleston, W. Va., to Senator JOSEPH S. CLARK, of Pennsylvania.

By Mr. KEFAUVER:

Letter on the satellite communications bill, received by him from Mrs. Florence Dies, of Kerrville, Tex.

Letters on the satellite communications bill, written by John F. Funke, Frederic A. Heutte, and J. S. Mewhinney, Jr., published in the Washington Post of August 22, 1962.

Article entitled "Telstar—the Fine Print," written by Robert G. Spivak, and published in the New York Herald Tribune of August 19, 1962.

By Mr. SCOTT:

Editorial entitled "Our Embassies Abroad," written by William Randolph Hearst, Jr., editor in chief, the Hearst newspapers.

By Mr. THURMOND:

Sundry newspaper articles relating to the trade expansion bill.

By Mr. FULBRIGHT:

Address delivered by Merle H. Tucker, president of Kiwanis International, at Osceola, Ark., August 6, 1962.

CONSIDERATION OF CERTAIN CALENDAR BILLS

Mr. MANSFIELD. Mr. President, with the consent of the Senate, I wish to have taken up at this time some measures on the calendar to which there is no objection. These measures have been cleared by both sides; and, so far as I know, there is no opposition to them.

LIMITATION OF ASSISTANCE FOR DRAINAGE OF CERTAIN WETLANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present

consideration of Calendar No. 1762, House bill 8520.

There being no objection, the Senate proceeded to consider the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act to limit financial and technical assistance for drainage of certain wet lands which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by inserting after section 16 thereof the following new section:

"SEC. 16A. The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands."

PAYMENT OF INDIRECT FEDERAL COSTS OF RESEARCH AND DEVELOPMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1783, House bill 6984.

There being no objection, the bill (H.R. 6984) to provide for a method of payment of indirect costs of research and development contracted by the Federal Government at universities, col-

leges, and other educational institutions was considered, ordered to a third reading, read the third time, and passed.

FLOW OF DOMESTICALLY PRODUCED LUMBER IN COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1817, Senate bill 3517.

There being no objection, the Senate proceeded to consider the bill (S. 3517) to authorize the Secretary of Commerce to establish and carry out a program to promote the flow of domestically produced lumber in commerce, which had been reported from the Committee on Commerce, with an amendment, on page 1, at the beginning of line 8, to strike out "30 per centum" and insert "50 per centum"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall transfer to the Secretary of Commerce each fiscal year, beginning with the fiscal year commencing July 1, 1962, from moneys made available to carry out the provisions of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), an amount equal to 50 per centum of the gross receipts from duties collected under the customs laws on lumber (rough, dressed, and worked), flooring, and moldings and plywood, which shall be maintained in a separate fund and shall remain available for use by the Secretary of Commerce to establish and carry out a program for the purpose of promoting the flow of domestically produced lumber in foreign and domestic commerce, including (1) research and experimentation to develop and increase markets for such lumber, (2) such other experimentation and biological, technological, and other research as may promote such purpose, and (3) the distribution to the domestic lumber industry of the results of the research and experimentation carried out under such program.

SEC. 2. In carrying out the program established under the provisions of this Act, the Secretary of Commerce shall, as far as practicable, cooperate with other appropriate agencies of the Federal Government and with State and local government agencies, private agencies, organizations, and individuals, having jurisdiction over or an interest in the domestic lumber industry. The Secretary may appoint an advisory committee from such industry to advise him in the formulation of policy, rules, and regulations with respect to requests for assistance, and other matters under the provisions of this Act.

SEC. 3. In order to assist the program established under the provisions of this Act, any agency of the United States, or any corporation wholly owned by the United States, may transfer, without reimbursement or transfer of funds, any equipment excess to its needs required by the Secretary of Commerce in carrying out such program.

SEC. 4. The Secretary of Commerce shall annually make a report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives with respect to the use of the separate fund established under the provisions of the first section of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LEO F. REEVES

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1831, Senate bill 703.

There being no objection, the bill (S. 703) to validate the homestead entries of Leo F. Reeves was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the status of lots 3 and 4, section 1, township 4 north, range 11 west and lot 12 and the south twenty acres of lot 13, section 31, township 5 north, range 10 west, Seward meridian, Alaska, and the requirements of the homestead laws relating to settlement on entered lands, the Secretary of the Interior is hereby authorized and directed to consider that the homestead entries of Leo F. Reeves of Soldatna, Alaska Anchorage 031423 and 034503 became valid and subsisting as to the above-described lands as of the date of said Reeves' actual settlement on any portion thereof and to issue patent for the lands to the entryman upon the entryman's compliance with, and subject to, the homestead laws applicable to public lands in Alaska, and upon the entryman's payment to the Secretary of the Interior of the fair market value of lot 12 and the south twenty acres of lot 13, as determined by the Secretary of the Interior on the basis of the most recent sales of similar land in the vicinity of the lands to be patented under the provisions of this Act.

VIEWING WITHIN THE UNITED STATES OF CERTAIN FILMS PREPARED BY THE U.S. INFORMATION AGENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1845, Senate Concurrent Resolution 84.

There being no objection, the concurrent resolution (S. Con. Res. 84) expressing the sense of Congress that arrangements be made for viewing within the United States of certain films prepared by the U.S. Information Agency was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the people of the United States should not be denied an opportunity to view the films prepared by the United States Information Agency depicting the recent visit of the wife of the President of the United States to India and Pakistan; and be it further

Resolved, That it is the sense of the Congress that the United States Information Agency should make appropriate arrangements to make the films described above available for distribution through educational and commercial media for viewing within the United States.

AMENDMENT OF THE ARMED SERVICES PROCUREMENT ACT OF 1947

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1846, House bill 5532.

There being no objection, the Senate proceeded to consider the bill (H.R.

5532) to amend the Armed Services Procurement Act of 1947 which had been reported from the Committee on Armed Services, with an amendment, to strike out all after the enacting clause and insert:

That title 10 of the United States Code is hereby amended as follows:

"(a) Subsection 2304(a) is amended to read as follows:

"(a) Purchases of and contracts for property or services covered by this chapter shall be made by formal advertising in all cases in which the use of such method is feasible and practicable under the existing conditions and circumstances. If use of such method is not feasible and practicable, the head of an agency, subject to the requirements for determinations and findings in section 2310, may negotiate such a purchase or contracts, if—

"(b) Subsection 2304(a) (14) is amended to read as follows:

"(14) the purchase or contract is for technical or special property that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property;"

"(c) Section 2304 is amended by adding a new subsection as follows:

"(g) In all negotiated procurements in excess of \$2,500 in which rates or prices are not fixed by law or regulation and in which time of delivery will permit, proposals shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the supplies or services to be procured, and written or oral discussions shall be conducted with all responsible offerors who submit proposals within a competitive range, price, and other factors considered: *Provided, however,* That the requirements of this subsection with respect to written or oral discussion need not be applied to procurements in implementation of authorized set-aside programs or to procurements where it can be clearly demonstrated from the existence of adequate competition or accurate prior cost experience with the product, that acceptance of an initial proposal without discussion would result in fair and reasonable prices and where the request for proposals notifies all offerors of the possibility that award may be made without discussion."

"(d) The second sentence of subsection 2306(a) is amended by substituting '(f)' for '(e)'."

"(e) Section 2306 is amended by adding a new subsection as follows:

"(f) A prime contractor or any subcontractor shall be required to submit cost or pricing data under the circumstances listed below, and shall be required to certify that, to the best of his knowledge and belief, the cost or pricing data he submitted was accurate, complete and current—

"(1) Prior to the award of any negotiated prime contract under this title where the price is expected to exceed \$100,000;

"(2) Prior to the pricing of any contract change or modification for which the price adjustment is expected to exceed \$100,000, or such lesser amount as may be prescribed by the head of the agency;

"(3) Prior to the award of a subcontract at any tier, where the prime contractor and each higher tier subcontractor have been required to furnish such a certificate, if the price of such subcontract is expected to exceed \$100,000; or

"(4) Prior to the pricing of any contract change or modification to a subcontract cov-

ered by (3) above, for which the price adjustment is expected to exceed \$100,000, or such lesser amount as may be prescribed by the head of the agency.

"Any prime contract or change or modification thereto under which such certificate is required shall contain a provision that the price to the Government, including profit or fee, shall be adjusted to exclude any significant sums by which it may be determined by the head of the agency that such price was increased because the contractor or any subcontractor required to furnish such a certificate, furnished cost or pricing data which, as of a date agreed upon between the parties (which date shall be as close to the date of agreement on the negotiated price as is practicable), was inaccurate, incomplete, on noncurrent: *Provided,* That the requirements of this subsection need not be applied to contracts or subcontracts where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, prices set by law or regulation or, in exceptional cases, where the head of the agency determines that the requirements of this subsection may be waived and states in writing his reasons for such determination."

"(f) The first sentence of subsection 2310 (b) is amended to read as follows:

"Each determination or decision under clauses (11)–(16) of section 2304(a), section 2306(a), or section 2307(c) of this title and a decision to negotiate contracts under clauses (2), (7), (8), (10), (12) or for property or supplies under clause (11) of section 2304(a), shall be based on a written finding by the person making the determination or decision, which finding shall set out facts and circumstances that (1) are clearly illustrative of the conditions described in clauses (11)–(16) of section 2304(a), (2) clearly indicate why the type of contract selected under section 2306(c) is likely to be less costly than any other type or that it is impracticable to obtain property or services of the kind or quality required except under such a contract, (3) clearly indicate why advance payments under section 2307(c) would be in the public interest, or (4) clearly and convincingly establish with respect to the use of clauses (2), (7), (8), (10), (12), and (11) for property or supplies under clause (11) of section 2304(a), that formal advertising would not have been feasible and practicable."

"(g) Section 2311 is amended to read as follows:

"Section 2311. Delegation

"The head of an agency may delegate, subject to his direction, to any other officer or official of that agency, any power under this chapter except the power to make determinations and decisions under clauses (11)–(16) of section 2304(a) of this title. However, the power to make a determination or decision under section 2304(a) (11) of this title may be delegated to any other officer or official of that agency who is responsible for procurement, and only for contracts requiring the expenditure of not more than \$100,000."

"(h) The amendments made by this Act shall take effect on the first day of the third calendar month which begins after the date of enactment of this Act."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to amend chapter 137, of title 10, United States Code, relating to procurement."

APPOINTMENT TO SERVICE ACADEMIES OF CITIZENS OR NATIONALS OF THE UNITED STATES FROM AMERICAN SAMOA, GUAM, OR THE VIRGIN ISLANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1847, Senate bill 3628.

There being no objection, the bill (S. 3628) to amend title 10, United States Code, to authorize the appointment of citizens or nationals of the United States from American Samoa, Guam, or the Virgin Islands to the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled, That title 10, United States Code, is amended as follows:

(1) Section 4342(a) is amended—

(A) by striking out the word "and" at the end of clause (8);

(B) by striking out the period at the end of clause (9) and inserting the word "; and" in place thereof; and

(C) by adding the following new clause at the end thereof:

"(10) one cadet from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Army upon recommendations of their respective Governors."

(2) Section 4342(c) is amended—

(A) by striking out the words "clauses (1)–(5)" and inserting the words "clauses (1)–(5) and (10)" in place thereof; and

(B) by striking out the words "or Puerto Rico," and inserting the words ", Puerto Rico, American Samoa, Guam, or the Virgin Islands," in place thereof.

(3) Section 6954(a) is amended by adding the following new clause at the end thereof:

"(9) One from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Navy upon recommendations of their respective Governors."

(4) Section 6958(b) is amended—

(A) by striking out the words "clauses (3)–(7)" and inserting the words "clauses (3)–(7) and (9)" in place thereof; and

(B) by striking out the words "or Puerto Rico," and inserting the words ", Puerto Rico, American Samoa, Guam, or the Virgin Islands," in place thereof.

(5) Section 9342(a) is amended—

(A) by striking out the word "and" at the end of clause (8);

(B) by striking out the period at the end of clause (9) and inserting the word "; and" in place thereof; and

(C) by adding the following new clause at the end thereof:

"(10) one cadet from American Samoa, Guam, or the Virgin Islands nominated by the Secretary of the Air Force upon recommendations of their respective Governors."

(6) Section 9342(c) is amended—

(A) by striking out the words "clauses (1)–(5)" and inserting the words "clauses (1)–(5) and (10)" in place thereof; and

(B) by striking out the words "or Puerto Rico," and inserting the words ", Puerto Rico, American Samoa, Guam, or the Virgin Islands," in place thereof.

ELIMINATION OF TIN IN ALLOY OF THE 1-CENT PIECE

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Sept. 13, 1962

For actions of Sept. 12, 1962

87th-2d, No. 164

CONTENTS

Acreage allotments....3,13
Administrative pro-
visions.....3
Agricultural appro-
priations.....2
Appropriations.....2
Cotton.....13,17
Crop insurance.....3
Economics.....14,18
Employment.....14

Estes.....13
Farm program.....1
Federal-State
cooperation.....3,8,15
FHA loans.....3
Foreign aid.....2
Foreign trade.....16,17
Forest Service.....3,7
Forestry.....3,7
Guam.....3

Household effects.....9
Imports.....9,17
Information.....11
Lands.....3
Law enforcement.....3
Livestock disease.....3
Loans.....3
Lobbying.....6
Lumber.....3
Monopolies.....5
Personnel.....9
Poultry disease.....3
Rice.....3
Roads.....4
Sec. 32 funds.....3
Tobacco.....3
Vocational education....12
Water resources.....15
Wetlands.....3
Youth Conservation
Corps.....10

HIGHLIGHTS: House committee voted to report bills to increase number of new counties eligible for crop insurance, further restrict interstate movement of diseased livestock and poultry, increase limitation on FHA loans, extend time for leasing tobacco allotments, facilitate work of Forest Service, facilitate USDA administrative operations, and provide cooperation with States in administration of agricultural laws. Conferees granted permission to file conference report on USDA appropriation bill by midnight, Sept. 12. Senate passed bills to: Increase authorization for Cooperative Forest Management Act. Provide for cooperation with States in administration of agricultural laws. Senate concurred in House amendment to bill to expand survey of forest resources. Sen. Morse discussed recent criticisms of administration of national forests.

HOUSE

1. **FARM PROGRAM.** The "Daily Digest" states that "Conferees continued, in executive session, to resolve the differences between the Senate- and House-passed versions of H. R. 12391, proposed Food and Agriculture Act of 1962, and reached tentative agreement thereon, and will meet again on Friday, September 14."
p. D834

2. **APPROPRIATIONS.** The conferees were granted until midnight Wed., to file a conference report on H. R. 12648, the agricultural appropriation bill for 1963.
p. 18127

Received and agreed to the conference report on H. R. 12870, the military construction appropriation bill (H. Rept. 2356). pp. 18173-6, 18178

The Appropriations Committee was granted permission to report the foreign aid appropriation bill on Tues., Sept. 18, and bring it to the floor on Thurs., Sept. 20. p. 18132

3. AGRICULTURE COMMITTEE. The Agriculture Committee voted to report (but did not actually report) S. 2859, to amend the Federal Crop Insurance Act, as amended, in order to increase from 100 to 150 the number of new counties in which crop insurance may be offered each year; S. 3120, to grant the Secretary of Agriculture additional authority to permit the interstate movement of certain diseased livestock and poultry; H. R. 11111, to authorize the Secretary of Agriculture to sell and convey certain forest lands in Iowa; H. R. 12434 (amended), omnibus bill to facilitate the work of the Forest Service; H. R. 12653 (amended), to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such Act; H. R. 12855 (amended), relating to the lease and transfer of tobacco acreage allotments; H. R. 12811 (amended), omnibus bill to facilitate the work of the Department of Agriculture; H. R. 12802, to provide further for cooperation with States in administration and enforcement of certain Federal laws; and S. 3152, to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program. The Committee passed over without prejudice S. 3517, earmark Sec. 32 funds to establish and carry out a program to promote the flow of domestically produced lumber in commerce; and S. 2121, to establish Federal agricultural services.

AGRICULTURE Com. voted to accept Senate amendments to H. R. 8520, to limit financial and technical assistance for drainage of certain wetlands. p. D833

4. ROADS. The Public Works Committee voted to report (but did not actually report) S. J. Res. 137, to authorize the Secretary of Commerce, in cooperation with Alaska, to undertake studies and surveys relative to a highway construction program for Alaska. p. D834
5. MONOPOLIES. The Interstate and Foreign Commerce Committee reported with amendment H. J. Res. 636, the proposed Quality Stabilization Act (H. Rept. 2352). p. 18178
6. LOBBYING. Received from the Clerk of the House and the Secretary of the Senate the quarterly reports pursuant to the Regulation of Lobbying Act. pp. 18180-211

SENATE

7. FORESTRY. Passed without amendment H. R. 9728, to increase the amount authorized to be appropriated to carry out the Cooperative Forest Management Act from \$2.5 million to \$5 million. This bill will now be sent to the President. pp. 18071-2

Passed without amendment S. 3589, to authorize the Secretary of Agriculture to acquire certain lands in Wright County, Minn., and exchange them with Minn. for State-owned lands in the Superior National Forest. p. 18072

Concurred in the House amendment to S. 3064, to increase the authorization for the national survey of forest resources from \$1.5 to \$2.5 million annually. This bill will now be sent to the President. p. 18073

Passed with amendment S. 3335, to revise the boundaries of the Big Hole Battlefield National Monument, Mont., including the transfer of land from the Beaverhead National Forest to the Monument. p. 18073

Sen. Morse discussed recent criticism of the administration of the national forests and stated that "Secretary Freeman is now addressing himself to this problem" and that "These times require a reassessment of procedures, a reanalysis of attitudes, the communication of ideas, but most of all an improvement in performance." pp. 18106-7

Committee Meetings

AGRICULTURAL MISCELLANY

Committee on Agriculture: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 11745, a private bill;

H.R. 11554, a private bill;

S. 2859, to amend the Federal Crop Insurance Act, in order to increase the number of new counties in which crop insurance may be offered each year;

S. 3120, regarding the movement of diseased animals;

H.R. 11111, to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa;

H.R. 12434 (amended), to facilitate the work of the Forest Service;

H.R. 12653 (amended), to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act;

H.R. 12855 (amended), relating to the lease and transfer of tobacco acreage allotments;

H.R. 12811 (amended), to facilitate the work of the Department of Agriculture;

H.R. 12802, to provide further for cooperation with States in administration and enforcement of certain Federal laws; and

S. 3152, to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program.

Passed over without prejudice S. 3517, to establish and carry out a program to promote the flow of domestically produced lumber in commerce; and S. 2121, to establish Federal agricultural services to Guam; and voted to accept Senate amendments to H.R. 8520, to limit financial and technical assistance for drainage of certain wetlands.

JOINT BRIEFING

Committees on Armed Services, Foreign Affairs: The committees met in executive session for a joint briefing on critical world problems by Secretary of State Dean Rusk; William P. Bundy, Deputy Assistant Secretary of Defense for International Security Affairs; and Lt. Gen. Marshall S. Carter, Acting Director, Central Intelligence Agency.

HOME LOANS

Committee on Banking and Currency: Subcommittee on Housing heard testimony from Joseph P. McMurray, Chairman, Federal Home Loan Bank Board, on H.R. 13044, to amend the Home Owners Loan Act of 1933, and the Federal Home Loan Bank Act.

In executive session ordered the bill reported favorably to the full committee.

SMALL BUSINESS ACT

Committee on Banking and Currency: Subcommittee No. 2 continued hearings on H.R. 10518, and related bills, to amend the Small Business Act, to provide that the program under which Government contracts are set aside for small business concerns shall not apply in the case of contracts for maintenance, repair, or construction. Heard testimony from public witnesses. Hearings continue Thursday, September 13.

D.C. BUSINESS

Committee on the District of Columbia: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 12690, to permit investment of funds of insurance companies organized within D.C. in obligations of the Inter-American Development Bank;

H.R. 12417, to establish a small claims and conciliation branch in the municipal court for D.C.;

S. 1651 (amended), to authorize the Commissioners of D.C. to delegate the function of approving contracts not exceeding \$100,000;

S. 2795 (amended), to prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of D.C.;

H.R. 12546 (amended), to amend the Life Insurance Company Act of D.C.;

H.R. 12762 (amended), to amend the D.C. Unemployment Compensation Act; and

S. 2977, to amend the Life Insurance Act of D.C.

SHARPE GENERAL DEPOT—CALIFORNIA

Committee on Government Operations: Subcommittee on Executive and Legislative Reorganization heard testimony from Department of Army personnel regarding construction of an airfield at Sharpe General Depot, Lathrop, Calif. Hearings continue Thursday, September 13.

PRIVATE CLAIMS

Committee on the Judiciary: Subcommittee No. 2 took testimony and, in executive session, acted on several private claim bills.

FISH

Committee on Merchant Marine and Fisheries: Subcommittee on Fisheries and Wildlife Conservation concluded hearings on H.R. 11343, and related bills, to direct the Secretary of the Interior to initiate a salmon and steelhead development program in California; and H.R. 9547, to facilitate the application and operation of the Fish and Wildlife Act of 1956. Testimony was given by Department of Interior witnesses (H.R. 9547); and a public witness (H.R. 11343).

HIGHWAYS—ALASKA

Committee on Public Works: Met in executive session and ordered reported favorably to the House the following bills:

S.J. Res. 137, to authorize the Secretary of Commerce, in cooperation with the State of Alaska, to undertake studies and surveys relative to a highway construction program for Alaska; and

H.R. 11047, to change the name of the Redondo Beach Harbor, Calif., to the Redondo Beach King Harbor, Calif.

Also approved four navigation resolutions.

Joint Committee Meetings

FARM BILL

Conferees continued, in executive session, to resolve the differences between the Senate- and House-passed versions of H.R. 12391, proposed Food and Agriculture Act of 1962, and reached tentative agreement thereon, and will meet again on Friday, September 14.

AID TO HIGHER EDUCATION

Conferees continued, in executive session, to resolve the differences between the Senate- and House-passed versions of H.R. 8900, authorizing Federal financial assistance for institutions of higher education, but did not reach final agreement, and will meet again on Monday, September 17.

APPROPRIATIONS—MILITARY CONSTRUCTION

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 12870, fiscal 1963 appropriations for military construction.

COMMITTEE MEETINGS FOR THURSDAY,
SEPTEMBER 13

(All meetings are open unless otherwise designated)

Senate

Committee on Appropriations, to continue executive hearings on fiscal 1963 budget estimates for foreign aid, 10 a.m. and 2 p.m., 1223 New Senate Office Building.

Committee on Armed Services, executive, on committee business, 10:30 a.m., 212 Old Senate Office Building.

Committee on Banking and Currency, executive, on H.R. 7796, limitations on real estate loans; H.R. 8874, re bank service corporations; H.R. 12577, trust powers of national banks; H.R. 12899, bank branches on conversion, etc.; H.R. 12628, housing for the elderly; H.R. 12080, interest rates on time deposits of foreign governments; and the nomination of Paul J. Maguire, of New York, to be assayer of the U.S. Assay Office at New York, 10 a.m., 5302 New Senate Office Building.

Committee on Commerce, to continue its hearings on S. 3242 and S. 3243, the administration's transportation bills, 9:30 a.m., 5110 New Senate Office Building.

Merchant Marine and Fisheries Subcommittee, to resume hearings on S. 3649, relating to the vessels *Montauk* and *Glenbrook*, 10 a.m., 1318 New Senate Office Building.

Committee on Finance, executive, on H.R. 11970, proposed Trade Expansion Act, 10 a.m., 2221 New Senate Office Building.

Committee on Government Operations, Permanent Subcommittee on Investigations, on the financial activities of Billie Sol Estes, 10 a.m., 318 Old Senate Office Building.

Committee on the Judiciary, to continue its hearings on the nomination of Arthur J. Goldberg, to be an Associate Justice of the Supreme Court, 10:30 a.m., 2228 New Senate Office Building.

Committee on Labor and Public Welfare, Subcommittee on Health, on S. 2269 and H.R. 11099, authorizing establishment within the PHS of a National Institute of Child Health and Human Development and a National Institute of General Medical Sciences, 10 a.m., 4232 New Senate Office Building.

Committee on Public Works, Subcommittee on Flood Control—Rivers and Harbors, to continue hearings on the omnibus flood control bill, 10 a.m., 4200 New Senate Office Building.

House

Committee on Armed Services, executive, on H.J. Res. 876, re President's standby authority to call up Reserves, 10 a.m., 313-A Old House Office Building.

Committee on Banking and Currency, executive, on pending business, 11 a.m., 1301 New House Office Building.

Subcommittee No. 2, on H.R. 10518, and related bills, to amend the Small Business Act, 10 a.m., 1301 New House Office Building.

Committee on the District of Columbia, Subcommittee No. 4, executive, on pending legislation, 10 a.m., 445-A Old House Office Building.

Committee on Education and Labor, executive, on pending business, 9:45 a.m., 429 Old House Office Building.

Committee on Foreign Affairs, Subcommittee on Europe, on captive nations, 10 a.m., P-58, U.S. Capitol Building.

Committee on Government Operations, Subcommittee on Intergovernmental Relations, on grain storage, 10 a.m., caucus room, Old House Office Building.

Subcommittee on Executive and Legislative Reorganization, on Sharpe General Depot, Lathrop, Calif., airfield construction project, 9:30 a.m., 1501-B New House Office Building.

Committee on Interior and Insular Affairs, Subcommittee on Public Lands, on S. 1065, H.R. 11710, H.R. 12473, and H.R. 9098, public lands measures, 9:45 a.m., 1324 New House Office Building.

Committee on the Judiciary, Subcommittee No. 1, on population and immigration study, 10 a.m., 327 Old House Office Building.

Committee on Post Office and Civil Service, executive, on pending business, 10 a.m., 215 Old House Office Building.

Committee on Public Works, Subcommittee on Rivers and Harbors, on title I of the omnibus rivers and harbors and flood control bill, 10 a.m., 1302 New House Office Building.

Committee on Science and Astronautics, Subcommittee No. 4, on weather satellite program, 10 a.m., 214-B New House Office Building.

Committee on Ways and Means, executive, on miscellaneous bills, 10 a.m., committee room, New House Office Building.

Select Committee on Export Control, on policy changes since amendment of Export Control Act, 9:30 a.m., 304 Old House Office Building.

Joint Committee

Joint Committee on Atomic Energy, to hold hearings on progress in the development of nuclear rockets and other atomic energy devices for use in space, 10 a.m. and 2 p.m., room AE-1, Capitol.

Conferees, executive, on S. 1037, proposed Perishable Agricultural Commodities Act, 10 a.m., room F-82, Capitol.

Sept 18, 1962

House

expeditious and orderly conduct of the loan program. p. 18606

Began debate on amendment No. 19, to provide \$1,600,000 for AMS for construction of facilities and acquisition of the necessary land therefor, as authorized by law, to remain available until expended. pp. 18602-6

13. INDEPENDENT OFFICES APPROPRIATION BILL, 1963. Agreed to the conference report on this bill, H. R. 12711, but insisted on disagreement to several of the Senate amendments. pp. 18591-5
14. LEGISLATIVE BRANCH APPROPRIATION BILL, 1963. Began debate on the conference report on this bill, H. R. 11151. Action on one Senate amendment in disagreement was deferred. pp. 18606-10
15. FOREIGN AID APPROPRIATION BILL, 1963. The Appropriations Committee reported this bill, H. R. 13175 (H. Rept. 2410). p. 18639
16. LOANS; FHA. Passed as reported H. R. 12653, to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase from \$150 million to \$200 million annually the amount of loans which may be insured under such Act. pp. 18611-2
Rep. Curtis, Mo., criticized the House procedures under which this bill failed to pass on Sept. 17. pp. 18595-6
17. WETLANDS. Concurred in the Senate amendments to H. R. 8520, to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to Sec. 16 to limit financial and technical assistance for drainage of certain wetlands. This bill will now be sent to the President. pp. 18590-1
18. TOBACCO. Passed as reported H. R. 12855, to amend provisions of the Agricultural Adjustment Act of 1938 providing for the lease and transfer of tobacco acreage allotments so as to exclude cigar-filler and cigar-binder tobacco, types 42,43,44,53,54 and 55 from the lease and transfer authority. pp. 18612-3
19. COOPERATION. Began debate on S. 3475, to authorize the Secretary of Agriculture to cooperate with States in administration and enforcement of certain Federal laws relating to the marketing of agricultural products and to the eradication or control of plant and animal disease and pests. (p. 18622). A similar bill, H. R. 12802, was passed without amendment earlier (pp. 18613-4).
20. PARKS. Began and concluded debate on S. 2429, to revise the boundaries of the Virgin Islands National Park, St. John, V.I. pp. 18615-22
21. PERISHABLE COMMODITIES. Received the conference report on S. 1037, to amend the Perishable Agricultural Commodities Act regarding fees, oral hearings, and relicensing (H. Rept. 2408). pp. 18622-3, 18639
22. TARIFFS. Received the conference report on H. R. 6682, to provide for the exemption of fowling nets from duty (H. Rept. 2412). pp. 18623-4, 18639
23. PERSONNEL. Received the conference report on H. R. 12180, to extend for a temporary period the existing provisions of the law relating to the free importation of personal and household effects brought into the U. S. under Government orders (H. Rept. 2413). pp. 18624, 18639
The Post Office and Civil Service Committee reported without amendment S. Con Res. 53, favoring travel by Federal employees on U.S. flag carriers (H. Rept. 2407). p. 18639

24. RECLAMATION. Rep. Olsen discussed the "60th anniversary of the Bureau of Reclamation, pioneering Federal public works agency which is still playing a prominent role in water resource development in Montana and elsewhere in the West," including its relationship with REA cooperatives. pp. 18636-8
25. MERCHANT MARINE AND FISHERIES COMMITTEE. The "Daily Digest" states that the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee "met in executive session and ordered reported favorably to the full committee H. R. 9547, regarding importation of salmon for sale within the U.S.; H. R. 11343 (amended), regarding the initiation of a salmon and steelhead development program in California; S. 3504 (amended), regarding representation of secretarial officers on the Migratory Bird Conservation Commission; and S. 3431, to consent to the amendment of the Pacific Marine Fisheries Compact. Passed over H. R. 10714, to provide for the distribution of the total net income from wildlife refuges administered by the U.S. Fish and Wildlife Service of the Department of the Interior." p. D860
26. AGRICULTURAL APPROPRIATION BILL, 1963. Attached to this Digest are additional notes relating to the tables in Digest 167 summarizing the action of the conferees on this bill, H. R. 12648. These notes were inadvertently omitted and should be attached to Digest 167 as page 12.

ITEMS IN APPENDIX

27. FARM PROGRAM. Extension of remarks of Sen. Hartke inserting an address by Claude R. Wickard, "Knowledge: The Key to a Century of Agricultural Progress." pp. A6890-2
Extension of remarks of Rep. May inserting reports by international farm youth delegates in Germany and Poland describing conditions on farms in those countries. pp. A6900, A6907-8
28. ELECTRIFICATION. Extension of remarks of Sen. Wiley inserting an article, "America's Power System," comparing production of electrical power in the United States and the Soviet Union. p. A6893
29. HOLIDAY. Extension of remarks of Rep. Green inserting an editor's letter protesting the proposed designation of Sept. 17 as a legal holiday. pp. A6899-900
30. MILK. Extension of remarks of Rep. Quie inserting an article suggesting a possible solution to some of the problems of the dairy industry, including an increase in advertising efforts. p. A6903

0

COMMITTEE HEARINGS SEPT. 19:

Additional research facilities for experiment stations, S. Agriculture.
Federal pay bill, S. Civil Service (exec).
Watershed projects, H. Agriculture (exec).
Promotion of trade through mobile trade fairs, H. Merchant Marine and Fisheries (exec).

limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ARTHUR H. BRACKBILL

The Clerk called the bill (H.R. 12092) for the relief of Arthur H. Brackbill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Arthur H. Brackbill, Lancaster, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of \$399.31. Such sum represents the amount of certain overpayments of compensation made to the said Arthur H. Brackbill through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur H. Brackbill, Lancaster, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said Arthur H. Brackbill, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH WOLF, JR.

The Clerk called the bill (H.R. 12093) for the relief of Joseph Wolf, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Wolf, Junior, Lancaster, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of \$424.75. Such sum represents the amount of certain overpayments of compensation made to said Joseph

Wolf, Junior, through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Wolf, Junior, Lancaster, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said Joseph Wolf, Junior, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

MRS. MARY E. O'ROURKE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Private Calendar No. 631, the bill (H.R. 3624) for the relief of Mrs. Mary E. O'Rourke.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act of August 12, 1955, entitled "An Act to provide for settlement of claims resulting from the disaster which occurred at Texas City, on April 16 and 17, 1947" (69 Stat. 707) and the 1959 Amendment to the Texas City Disaster Relief Act (73 Stat. 706), the claim of Mrs. Mary E. O'Rourke (formerly Mrs. James V. Pharr) for personal injuries to her former husband shall be deemed to have been filed with the Secretary of the Army before February 9, 1956.

With the following committee amendment:

Strike all after the enacting clause and insert: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$12,500 to Mrs. Mary E. O'Rourke, of New York, N.Y., in full settlement of her claims against the United States for an award under the Texas City Disaster Relief Act, as amended (69 Stat. 707, as amended), due her under the laws of the State of Texas based upon the injuries

sustained by her former husband, James V. Pharr, in the Texas City disaster on April 17, 1947: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORRECTION OF ROLL CALL

Mr. JOELSON. Mr. Speaker, on roll call No. 222 on September 17, I am recorded as being absent. I was present and answered to my name. I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate Concurrent Resolution (S. Con. Res. 86) favoring the suspension of deportation of certain aliens, with a Senate amendment to the House amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 5, after line 4, insert:

"SEC. 5. The Congress approves the granting of the status of permanent residence in the case of the alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011; 64 Stat. 219; 50 App. U.S.C. 1953):

"A-7116387, Rock, Feiga Altmann."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

(Mr. WALTER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WALTER. Mr. Speaker, Senate concurrent resolution which passed the Senate on July 29, 1962, was designed to record congressional approval of suspension of deportation in the cases of 67 aliens whom the Attorney General found eligible pursuant to paragraphs (4) and (5) of section 244(a) of the Immigration and Nationality Act or under section 19(c) of the Immigration Act of 1917, as amended. All cases have been reviewed by the Committee on the Judiciary of the Senate and upon review

by the Committee on the Judiciary of the House of Representatives all cases included in that resolution except three cases were approved by the committee.

The Committee on the Judiciary also included in Senate Concurrent Resolution 86 the cases of three aliens found by the Attorney General to be eligible for permanent residence in the United States pursuant to section 6 of the Refugee Relief Act of 1953, as amended.

In this amended form the House of Representatives approved Senate Concurrent Resolution 86 on August 20, 1962.

On September 7, 1962, the Senate concurred in the amendment of the House and amended it further by adding one more case where the Attorney General has determined and reported to the Congress that an alien is qualified for permanent residence under section 4 of the Displaced Persons Act of 1948, as amended. This case appears to be the last to be considered by the Congress under the terms of the 1948 law, as amended in 1950.

The additional case has been reviewed by the Committee on the Judiciary and the approval of the Attorney's General recommendation is now included in the amendment of the Senate to the House amendment.

CORRECTION OF RECORD

Mr. WALTER. Mr. Speaker, yesterday in my remarks appearing on page 18529, in the second paragraph of the second column, I stated:

Mr. Speaker, I realize that we are here concerned with the merits of H.R. 11363 and not with what the Washington Post says about it.

Further in that paragraph I said:

It is my sincere hope that these false charges will not be repeated again today.

The word was erroneously spelled "repeated". I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDING SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8520) to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: "That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by inserting after section 16 thereof the following new section:

"SEC. 16A. The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical

assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section."

Amend the title so as to read: "An Act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the gentleman please explain the amendments.

Mr. POAGE. This is the so-called wetlands bill which the House passed sometime ago. The Senate amendments simply attempt to tighten up a little bit more on this. For instance they provide that if a man sells his land, the limitations or regulations shall not apply to the new owner. Under the terms of the original bill, if the Secretary of the Interior found that the land was needed for the propagation of waterfowl, he would so certify and for 5 years the Secretary of Agriculture could not pay retirement benefits on that land which had been set aside. On the contrary, the Secretary of the Interior shall seek to enter into an agreement or a lease proposition with the owner for the use of the land as a waterfowl refuge. The landowner is not compelled to sign, but for a period of 5 years he cannot draw the benefits. The Senate provides that if he sells the land, the new owner will not be bound by that decision and may proceed to acquire benefit payments immediately. I believe that is the most important change which the Senate makes in the House bill.

Mr. HOEVEN. The House Committee on Agriculture unanimously voted to accept the Senate amendment; did they not?

Mr. POAGE. Yes, the House committee voted unanimously on that.

Mr. HOEVEN. Mr. Speaker, I withdraw by reservation of objection.

Mr. POAGE. The House committee is willing to take the language of the

Senate amendments. We believe this language is good, but we believe that the language in Senate Report No. 1805 is misleading.

The purpose of H.R. 8520 is to stop the practice of providing subsidy for the drainage of wetlands which in the opinion of the Secretary of the Interior are needed for the preservation and conservation of waterfowl and related wildlife.

Therefore the House Committee on Agriculture does not agree with the following language contained in Senate Report No. 1805:

If the purchase or lease of lands for which drainage assistance is requested cannot be consummated because the State Governor or appropriate State agency in accordance with Public Law 87-383 has denied approval of such acquisition, the Secretary of the Interior would be expected to notify the Secretary of Agriculture that the limitation should not be applicable so that the applicant would be free to obtain assistance without regard to the terms of this bill.

H.R. 8520 provides for the Secretary of the Interior or the appropriate State agencies to make an offer to purchase or lease the wet lands in question within 1 year after the application for drainage assistance has been denied.

The language in the Senate report is too broad in that it covers offers to lease as well as offers to purchase.

The intent and purpose of H.R. 8520 should not be thwarted by implying that the Governor of any State must approve the right to make an offer to lease. There should be no objection to a lease program because lands are not removed from the tax rolls and ownership remains in private hands. We also question, under the provisions of H.R. 8520, the authority of a Governor to veto the authority of the Secretary of the Interior to make a bona fide offer to purchase private lands. H.R. 8520 affects only specific wet lands for which Federal financial or technical assistance for drainage is sought. It does not restrict the owner of such lands to finance the drainage with his personal funds.

The House committee wants it to be clearly understood that with passage of H.R. 8520, the Departments of Agriculture and Interior shall proceed to carry out the provisions of the act in relation to a leasing program and the offer to the outright purchase of any land may be made by the Department of the Interior to comply with the intent of H.R. 8520. The consummation of any purchase may be determined by the Governor of the State in which the lands are located, but certainly not an offer to lease so far as H.R. 8520 is concerned.

(Mr. JOHNSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I am pleased that the Senate has approved H.R. 8520, a bill that would end the federally subsidized drainage of wet lands valuable for waterfowl refuges in the prairie pothole regions of North and South Dakota and Minnesota. As you recall, this legislation was passed by the House during the 1st session of the 87th Congress.

The problem which this measure would solve is a pressing one. Currently, the

U.S. Department of Agriculture furnishes technical and financial assistance to farmers for drainage of wet lands under the agricultural conservation program. At the same time, the Department of Interior is conducting a program for the acquisition of wet lands in order to save our dwindling duck population. Present requirements of the law do not permit the Secretary of Agriculture to withhold cost-sharing assistance from drainage projects merely because they adversely affect wildlife.

Here we have two programs which are operating at cross-purposes. Clearly, we must resolve this conflict of interest in order to prevent the taxpayers' money from being wasted because two programs are working against each other.

Mr. Speaker, since nonlegislative efforts to end the existing conflict between these two programs had proved to be fruitless, I had introduced H.R. 8520 in the House on August 7 of last year. Hearings were held 11 days later by the House Agriculture Committee's Subcommittee on Conservation and Credit, and the full committee favorably reported the measure on September 1. It was passed by the House on September 12.

Under the provisions of my bill, no contract for Federal drainage assistance can be entered into by the Secretary of Agriculture with a farm operator in North and South Dakota and Minnesota if the Secretary of Interior has determined that wildlife preservation will be materially harmed by the proposed drainage project.

The Interior Department has 90 days after an application for drainage assistance has been received to file an adverse finding. On land where drainage assistance is denied, the Interior Department or the State wildlife agency must make an offer to buy or lease the land as a waterfowl refuge within a year or the ban on Federal drainage assistance will be lifted.

Mr. Speaker, the Senate has amended H.R. 8520 to provide that the "veto" on drainage assistance will be terminated if no agreement is reached after 5 years of negotiation or if the ownership of the land changes. I feel that these are sound and workable amendments to safeguard the rights of the farmers involved.

The amendment setting a 5-year limit on negotiations would protect farmers against undue delay in the lease or sale of their wet lands for waterfowl refuges. The other amendment would avoid legal complications if the land in question was put up for sale. As a lawyer, I am well aware of the difficulties involved in the transfer of property which has any kind of a lien against it.

Last week, the House Agriculture Committee approved the Senate amendments to H.R. 8520 and favorably reported the amended bill. Inasmuch as the Senate amendments improve rather than weaken the proposed legislation, I urge my colleagues in the House to accept these amendments and speed this legislation on its way to the White House.

Mr. Speaker, since 1936, agricultural drainage has been responsible for destroying 5,602,241 acres of waterfowl wet-

lands in the prairie pothole region alone. Each year, about 3 percent of the remaining wetlands are lost to federally subsidized drainage.

Conservationists and sportsmen are rightly concerned over the recent report by the Interior Department which predicts another drop in the production of waterfowl. The handwriting is on the wall. Immediate action is necessary if we are to save our continental flights of ducks and geese.

In the pioneer days, the value of a duck was expressed in cents per pound, but today waterfowl values do not find true expression behind a dollar sign. They have recreational, social, and cultural values which make their meat values appear almost inconsequential.

Mr. Speaker, the necessity to meet the outdoor needs of our people now and in the future will in all likelihood be the sharpest and most consistent pressure on our land, water, and forests in the years ahead. It is our responsibility to see to it that there will be sufficient outdoor recreational areas available to our increasing population so that our children and their children may enjoy the outdoor opportunities we have had.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATIONS, 1963

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 12711) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1963, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman will take ample time to explain the bill.

Mr. THOMAS. Yes. I will say to the gentleman from Iowa, we will. We are all here and we will attempt to answer any questions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 14, 1962.)

Mr. THOMAS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with and I will attempt to explain it.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THOMAS. Mr. Speaker, certainly, the House is entitled to all the information it needs and wants. The conferees are here and the members of the subcommittee are here and we will do our best to give you all the information we have, and we will all try to answer any questions together.

Let me give you a broad outline at this time. When the bill left the House, it covered some 26 or 27 agencies. It carried in round figures, \$11,501,141,000. That was a reduction, again in round figures, of \$1,059 million below the budget estimate. So that is a pretty healthy cut. The bill went over to the other body. The other body did not increase it very materially. This is about the first time they have not upped the House bill considerably, but the other body added only \$300 million. I for one want to commend them.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. Since when has \$300 million become "only \$300 million"?

Mr. THOMAS. Only \$300 million out of \$11 billion. I really felt the other body would come up with a billion. Of course, \$300 million is a considerable amount of money, certainly.

We go into conference with the other body and we come back with the restoration of about \$100 million. So they raised it about \$200 million.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Certainly, to a member of the committee who certainly did a wonderful job.

Mr. OSTERTAG. The gentleman from Texas in response to the inquiry of the gentleman from Iowa pointed out that the Senate, the other body, increased the independent offices appropriation bill by \$300 million. In conference the bill finally comes back here \$197 million, or nearly \$200 million less than the Senate bill. So we do not want to leave the impression that the Senate raise of \$300 million stayed there; in other words, it is \$200 million less than the Senate appropriated, and it is \$102 million, as I understand, over the original figure of the House.

Mr. THOMAS. Well said, may I say to the gentleman from New York, and thank him for his valuable contribution.

We are bringing back here 119 items in disagreement, but in truth and in fact only three items are in disagreement; the others are in technical disagreement; therefore, we have 105 of these items where there is not even technical disagreement. So we will ask the House to approve the conference report. There are 14 items in technical disagreement, but in actual disagreement there are only three; and may I say I do not think there is anything in here that is going to give anybody much concern except one item, and I must point it out to you. That is the item on fall-out shelters. I have been advised that one of our colleagues wanted to express himself on this matter, and certainly we are going to give him plenty of time to go into it and answer his objections.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GROSS. There are considerably more than a hundred amendments to this bill.

Mr. THOMAS. One hundred and nineteen.

Mr. GROSS. I scrutinized them to some extent and I could not find more than one or two where the amount was reduced after it went over to the other body sometimes known as the Upping Body.

Mr. THOMAS. The other body made a fine record this time; they did not restore all the budget estimates.

Mr. GROSS. Let me ask the gentleman this question: The language which the gentleman from Iowa struck out on a point of order as being legislation on an appropriation bill, is that restored to this bill in any way? What was done in that respect?

Mr. THOMAS. I cannot say "in any way," but the language stricken from the House bill on a point of order made by the gentleman from Iowa was not reinserted verbatim by any means.

Mr. GROSS. But you did not go to conference and seek power that was denied by any point of order on the original appropriation bill to take over certain property in the District of Columbia, did you?

Mr. THOMAS. Referring specifically to the property in the District of Columbia, there is nothing in the language of the amendment brought back in technical disagreement that will affect that one iota. In other words, the decision of the court will control.

Mr. GROSS. I thank the gentleman.

Mr. BOLAND. Mr. Speaker, as a member of the Independent Offices Subcommittee of the House Committee on Appropriations, I should like to bring to the attention of the Members of the House a very significant step which was taken by the Senate Committee on Appropriations in reporting out the independent offices appropriations bill 2 weeks ago.

The Senate committee directed the CAB to take immediate action to bring about a reduction in the subsidies paid to local service airlines through encouraging the use of modern, more efficient aircraft.

For many years, members of our committee have viewed with growing concern the rapidly raising subsidies paid annually to support otherwise unprofitable regional air operations. This year our committee even invited operators of local service airlines to testify before us. Further, our committee made a very substantial cut in the subsidy appropriation to the CAB.

We have on a number of occasions expressed our displeasure at the steadily mounting subsidy burden which must be borne by the Civil Aeronautics Board. In fiscal year 1954, subsidies were \$18.4 million; in 1958, the total had risen to \$32.7 million, and in this year's bill, we ultimately appropriated in excess of \$80 million.

It is as obvious to the CAB as it is to

the Congress that steps are urgently needed to reverse this trend. It is imperative that we encourage local service airlines to operate more efficiently and economically to provide essential service with maximum safety but with a minimum burden on the Federal Treasury.

Most civil aviation authorities agree that one of the basic causes for increasing subsidies is the lack of suitable modern equipment, specifically designed for regional air carrier operations. Many local service carriers still use the DC-3. While it was once ideally suited for local service operations, no new DC-3's have been built since the immediate postwar period and there are few in service today which are not almost totally obsolete. Operating costs have increased in direct relation to the age of the aircraft.

Lack of suitable equipment for local carrier operation has prompted many Members of Congress to advocate a federally sponsored research and development program, specifically to find a replacement for the DC-3. Such a proposal would involve vast expenditures by the Civil Aeronautics Board.

As an alternative to this expensive research and development program, it has been proposed that the CAB should undertake a demonstration program in cooperation with local service airlines to experiment on typical routes under typical operating conditions with modern aircraft not now in use on local service airlines.

The Senate Committee on Appropriations recognized the desirability of developing an aircraft which would meet the demanding requirements of local service operation. The committee recommended that the Civil Aeronautics Board undertake a pilot project at once in order to determine whether currently available aircraft would be suitable for local service operation and if so to what extent subsidies could be reduced through more economical and more efficient operation. I ask unanimous consent to have reprinted at this point in my remarks the language adopted by the Senate committee:

The committee commends the efforts of the Civil Aeronautics Board, as well as the Federal Aviation Agency, to encourage the development of more modern and efficient short-haul aircraft for use by local service carriers. It is generally recognized that an important cause of the present subsidy level is the lack of suitable equipment. The committee feels, however, that adequate attention has not been given to possible reduction in subsidies by the use of more modern aircraft which are already available.

The committee recommends that the Civil Aeronautics Board develop a program for the lease or purchase of a limited number of any aircraft which appear to offer greater economy of operation than older aircraft currently in use, and that such aircraft be provided to local service carriers under suitable arrangements for experimental use. Operation of aircraft by carriers over representative route segments under typical operating conditions could provide the data needed to permit an accurate evaluation by local service carrier management of the extent to which currently available equipment might produce significant cost savings. It would also permit the responsible Government agencies to evaluate the comparative

advantages of further development of this type of aircraft as against the immediate availability of aircraft already in production.

Certainly before any costly research and development program is undertaken, the use of modern aircraft in local airlines should be thoroughly explored. The Senate committee should be congratulated for incorporating this language in its report. Those of us on the committee who have been deeply concerned with the steadily rising annual subsidy payments will certainly await with great interest the findings of the CAB in the study program which it has now been directed to undertake. The introduction of modern equipment in local airline operation may well provide one major answer to the subsidy problem.

It is my hope that CAB will proceed expeditiously with this program so that it may report its findings to our committee when the next subsidy request is before us.

Mr. THOMAS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: On page 4, strike lines 5 to 8, inclusive.

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House insist on its disagreement to the amendment of the Senate numbered 7.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: On page 5, line 10, after "shelters", insert: "(except for fallout shelters resulting from minor modifications to design, construction, or building equipment, at a cost not to exceed \$5,000 in any one facility, which provides fallout shelter space primarily serving the normal peacetime purposes of the facility)".

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House insist upon its disagreement to the amendment of the Senate numbered 8.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 6, line 9, after "basis", insert "not to exceed \$1,000 for official reception and representation expenses."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.



Public Law 87-732
87th Congress, H. R. 8520
October 2, 1962

An Act

To amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new section 16A to limit financial and technical assistance for drainage of certain wetlands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Conservation and Domestic Allotment Act, as amended, is further amended by inserting after section 16 thereof the following new section:

"SEC. 16A. The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this Act, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section."

Approved October 2, 1962.

Agriculture Dept.
Wetlands drainage assistance, limitation.
49 Stat. 1151.
16 USC 590p.

76 STAT. 696.
75 STAT. 697.

